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Cabinet Council Minutes
Vol. 2
1855-1856

THE TRANSCRIPTION OF MR. WYLLIE'S WRITING IN THIS VOLUME CONTAINS MANY ERRORS. THE ORIGINAL MINUTES SHOULD BE CONSULTED.

M.Jones, Librarian.

1855

Reign of His Majesty King Kamehameha IV

Palace 17th January at 10. A.M.

Present The King
Mr Young
" Armstrong
" Allen
" Wyllie

The King expressed His Pleasure that the Minutes of the Cabinet Council of His Reign, should be Recorded in a Seperate Book. - Mr Wyllie was appointed to take the minutes. Mr Armstrong asked of the King and Ministers, upon the propriety of Selling the School lands, by public Auction. He wished to have some discretion to deviate from the Rule in special cases where the interests of Natives are concerned. It was approved that Mr Armstrong view be adopted, and that the discretion asked for be granted in the understanding that the lands are not to be so pressed in the Market in of depression as to sell them under a fair value.

Mr Young made a similar enquiry in regard to Government lands & the same Rule was approved of - also the same discretion given, under the same understanding. Mr Armstrong reported that he had heretofore lent the School funds at 12 per cent interest - but the current Rate ~~loans~~ are 2 a 3 per Cent per Month on good security, he wanted to know whether he were to raise his rate of interest. After a strong and lucid opinion given by Mr Allen, against raising the rate, and in favour of the act against usury, it was agreed that Mr Armstrong should not raise it for the present.

Mr Armstrong for reasons which he explained, begged the Kings leave, to absent himself for a few weeks to visit the ~~[illegible]~~ Schools in all the windward Islands, the King was pleased to grant permission to Mr Armstrong -

Mr Armstrong ~~[illegible]~~ suggested the propriety of retaining Mr Marsh (who had given notice that he would quit on the 1st April - as Secretary of the House of Nobles. It was considered that this was an affair for His Majesty to consider when the proper time arrived. Mr Armstrong suggested that he should be relieved of the special duty imposed upon him in 1849 of being assisting Mr Young in the Department of the Interior It pleased His Majesty to relieve Mr Armstrong from that special duty, except in matters of translation.

Keoni Ana signed
Elisha H Allen ″
R. Armstrong ″
R C Wyllie ″

1855.

Cabinet Council Palace 22nd January at 10 AM.

Present The King
Mr Young
Mr Allen
Mr Armstrong
Mr Wyllie.

Secret Service Money

His Majesty alledging to the necessity of having a sum voted by the Legislature for Secret Service Money, consulted His Cabinet about the channel thro' which such money should be disbursed.

It was suggested that the money should be disbursed by the Minister of Finance, under Order of the King and His Cabinet and that all payments should be charged to an account under the head of Secret Service. Mr Armstrong referring to a motion made in the House of Representatives of last year for the abolition of the office of Minister of Public Instruction, stated that if it were thought that any change would benefit the cause of Education among the people he would offer no objection to it. Mr Wyllie mentioned that when Mr Armstrong undertook the office of Minister of Public Instruction, he had expressed a strong wish to do so, confining himself exclusively to the special object of Education, without mixing himself up in purely political matters.

After a long discussion, in which the King took an active part, it was agreed that a matter of so much im~~function~~portance required the further consideration of His Majesty and of His Cabinet.

The King adjourned the Council till He should see occasion to convene it again.

Secretary Pro tem

Copies of the minutes in Mr Wyllie's handwriting made by R. C. Lydekker

1865

Meeting at King Kamehameha V
Palace - Tuesday 31 Jany at 11 A M
Present The King . The Chancellor
H R H Prince ~~[illegible]~~ Kamehameha
The Bishop
" Allen
" — Wyllie

A reply to Mr Seward's Despatch No 26 of 26 instant, was discussed & agreed upon.

The causes of the Sec's Mission to the U States were explained

A reply to the Seward's despatch No 26 of 26 instant was discussed & agreed upon

The causes of the Sec's mission to the U States were explained

Mr Wyllie submitted & took the King's pleasure on the Ratified Treaty with Sweden & the decorations which His Majesty King Oscar desires to be exchanged previous to the exchange of Ratifications. It pleased his Majesty to order Mr Wyllie to prepare all the necessary documents & a Ratification to exchange & submit them to ~~this~~ His Majesty

The King wished to continue the general principles to be observed in the Ministerial Reports.

Agreed that each Minister prepare a condensed statement on the chief transactions of his department to be submitted to the King in Cabinet Council for revision and correction.

Mr Allen submitted the subject of a Tariff and the Collection of the Taxes - Agreed that no property taxation be attempted this year; that the question of a Tariff for future consideration and that at some early day each Minister submit to the King & Cabinet a precis of the subjects that he proposed touching upon

Agreed that the Reports be printed and translated

Agreed that the Cabinet meet on Saturday to consider the precis of Ministerial Reports and that the Cabinet meet again tomorrow at 1/2 past 11 on the special notice of Mr Lee's summons

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[illegible] stated that in accordance to the King's well known wishes, [illegible] of his duty to His Majesty, as defined in the Chapter on Foreign Agency, page 119 (Statute Laws) and in the fulfillment of his functions under the law of nations, as laid down by the Baron Charles de Martens, Section 3, Chapter 1, respectfully recommends His Majesty to appoint His Chancellor & Chief Justice, the Honorable William L. Lee to represent His Majesty near the governments of the United States, of Great Britain, of France & of Russia, as His Envoy Extraordinary, to commission him as such, to grant him full & free discretionary powers and to be pleased to accredit him as such, under his own hand, direct to the President of the United States and to the Sovereigns of the other Powers above mentioned.

Mr Wyllie further suggested that he should be authorized to ask of the Minister of Finance in his next report to the Legislature for [illegible] Thousand dollars under these words. to cover the necessary expenses of a Foreign Mission on matters deeply concerning the King as Sovereign, the Independence of the Hawaiian Nation and the prosperity of their Agriculture and Commerce."

Mr Wyllie read his instructions to Mr Jarves of 28th April 1849 and to Mr Judd of 10th September 1850 and asked permission to pass them into the hands of Mr Lee, that in view of them he might suggest what instructions he wished to have. Mr Lee did not think this necessary and this view was acquiesced in.

Mr Wyllie was instructed to make out certain documents on the list in Mr Lee's handwriting

The King adjourned the Cabinet until Monday at 11 a.m.

See page 10

The presence of the Minister of the Interior was sent for. Mr Lee read his Report as he had hurriedly prepared it.

Agreed that the following bills be prepared
" — for Hospitals — Prince Kamehameha, Mr Wyllie as a member of Health Commission
" against Prostitution — Mr Wyllie, Robertson, Parker & [illegible]
" to Compel the Return of Faithless Wives & Husbands } Lee, Robertson & Ii
" to correct the Injury to the Public health from Quacks. } Commissioners of Health.
" for Sanitary Regulations — Mr. Wyllie, Kamehameha & Commission of Health
" to close Rum Shops — Mr Allen, Robertson, Parker & Bates.
" for Prosecution of Parties giving Bonds for return of Native Sailors } Mr Lee & Justices of Sup. Court
" to regulate Shipment & discharge of Native Seamen — } Mr Allen, Mr Robertson, Austin & Mr Ii
" to amend the Law of Trespass, Estray & Impounding } Mr Allen, Mr Robertson & Mr Ii
" to provide for the duties of 3 Commissioners in each district
to regulate & define the Rights of way } Robertson, Ii, Kamehameha & Fuller
Law of the Road (a suggestion)
" to regulate the Ingress of Foreigners and the seizure of anything they have — for consideration

Mr Allen's Report as amended was read
He read over the chief subjects
To prepare & submit a Budget
To recommend a large reserve fund emergencies for consideration
To exempt the King from actions.
To Prepare & perfect a Tariff bill
Carried by a majority
Taxes on horses to be considered
Mr Allen's amended report approved of
Adjourned till tomorrow at 10, a. m.

see page 9 ✓

Cabinet Council 1855 in the Palace Monday 16th July at 11 A.M.

The King presiding
The Chancellor Genl Prince Kamehameha
(the Young [illegible])
Mr Allen
" Wyllie

The Precis of the Minutes of last Session was read [illegible].

The Premier read his Report as he had hurriedly prepared it.
agreed that the following Acts be passed
viz. - Act for Hospitals & Prevention [illegible] - Mr Wyllie ~~Commissioners~~ Kamehameha Ministers & [illegible]
" against Prostitution - [illegible] ~~[illegible]~~ [illegible] Drs Parke & Smith
. Act to [illegible] return of Fugitive Wives & Husbands - [illegible] Robertson & Lee
" Act to correct the injury to the public health from Quacks - Mr Wyllie & the Commissioners of Health.
. Act for Sanitary Regulations - - - - Mr Wyllie Kamehameha & the Commissioners of Health
. Act to close Rum Shops ~~[illegible]~~ - Mr Allen Robertson Parke & Wells
" Prosecution of Parties giving Bonds for the return of native Seamen - Mr Lee & Justices of the Supreme Court
. Act to regulate the shipment & discharge of native Seamen - Mr Allen, Mr Robertson, Austin & Wyllie
. Act to amend the law of Trespass, Estrays & Branding - Mr Allen Mr Robertson & Mr Lee
" Act to provide for the duties of 3 Commissioners in each District to regulate & ~~define~~ define the right of way - Referred to Mr Young Kekaulahao & Fuller
. Laws of the road (a suggestion)
. Act to regulate the impressing of Seamen & the seizure of ships when they land - for consideration

Mr Lee's Report was ~~unanimously~~ unanimously ~~approved~~ approved by ~~His Majesty & Cabinet~~ His Majesty & Cabinet.
viz Mr Allen's Report as ~~introduced~~ intended, was read. He read on the chief subjects -
1st to prepare & submit a Budget
2d recommend a large reserved fund for Emergencies, for ~~[illegible]~~ contingencies
3d to exempt the King's [illegible] duties
4th to prepare & submit a Tariff Bill. ~~[illegible]~~ carried by a majority.
Duty ~~[illegible]~~ on Horses to be imposed.
Mr Allen's intended Report approved of.
Adjournment till tomorrow at 10 A.M.

See page 12

Mr Young still sick but came in late

The [illegible] [illegible] his pleasure that the Precis of the Minister of the Interior be read

[illegible] Prince Kamehameha read it

The suggestion cancelling appropriations, including the Bridge of Hanalei approved.

The suggestion of ~~saying which want~~ selling stock, carts &c superfluous in the Report—being within the scope of the [illegible] of the Minister

The recommendation to sell the government [illegible] deferred.

The dredging of the Harbor, deepening the mouth of the Harbor & improving the Reef approved

Passed to Mr Spencer 7th March 1855 with Resolution of P. Council Webster plan

Supply of water from the Reservoir to be recommended & Mr Webster's report & estimate & published along with his report

Mr Young's report approved.

Mr Wyllie read his Precis amounting [illegible] [illegible]

Foreign Relations

Foreign Treaties ~~approved~~

Diplomatic discussions ~~to~~ be omitted

Total expenses of the department from 26 November 1845 to 1 April 1855 — approved

Brief account of all Foreign Missions agreed upon

Mr Jarves suspended claim for $3.313.67 read, also Mr Wyllie's Despatch No 4 of the 28th April 1849 also his letters of 9th Jany & 10th Feby 1850

Resolved that Mr Wyllie is instructed to write to Mr Jarves that in view of the Resolution of the P. Council of the 23 April 1849 his claim for $3.313.67 cents cannot be allowed

List of diplomatic (of diplomatic repeated) & Consular Agents

King's Foreign policy — agreed.

Sovereignty & (Mr Wyllie's private code) agreed upon

Petitions for & against Annexation to be considered

Dangers which led to the Treaty, 15. [illegible] to be omitted

16 ?

17 ?

18 Mr Lee's Mission ?

Appropriation hearing to be allowed.

20 Approved

21 "

22 "

Minuted cop.

Reading of report of Secretary at War ready, read but ~~put off~~, but put off till the Commander in Chief can make his recommendations till Wednesday at 10 A.M. — The King made known his pleasure that the Cabinet should again assemble at 10 A.M. on Monday next previous to the P. Council of that day at 11. A.M. and then adjourned the Council accordingly

1855

Cabinet Council in the Palace Saturday 17th February 1855, at 10 A.M.

The King presiding
The Chancellor
General P. Kamehameha
Mr Allen
" Wyllie but came in late.
& Mr Young still sick.

The King expressed his pleasure that the Precis of the Minister of the Interior be read. General Prince Kamehameha read it.

The suggestion cancelling appropriations, including the Bridge of [illegible], approved.

The suggestion of selling [illegible] lands is superfluous in the Report, being within the scope of the Prerogatives of the Minister. scope

The recommendation to sell the Government Prop[erty] to be deferred.

The Dredging of the Harbour, deepening the mouth of the Harbour & improving the Reef approved.

3 passed to the Speaker 7 March 1855 with Resolution 7 [illegible] [illegible] Plan [illegible] Admin

Supply of Water from the Reservoir to be recommended, & the whole of the Report & estimate published along with this Report.

Mr Young's Report approved.

Mr Wyllie read his Precis consisting of several articles

Foreign Relations approved

Diplomatic Discussions to be omitted

Total expense of Department from 26 March 1845 to 1 April 1855 - approved

Brief Account of all Foreign Missions [illegible]

The Jarves rejected claim for $3,313.67 read, also the [illegible] Decision [illegible] of 28th April 1849, also his letters of 9 Jany 1850 Jany 1854

Resolved that Mr Wyllie is instructed to write to Mr Jarves that in view of the Resolution of the P. Council of the 23rd April 1849 his claim for $3,313.67 cents cannot be allowed.

List of Diplomatic & Diplomatic & Consular Agents.

Foreign Policy agreed

Sovereignty & 2 - 8, 9 & 10 agreed upon

Petitions for Annexation & argument to [illegible] Dangers [illegible] to the Treaty - 13, 14 & 15 [illegible]

16 [illegible] [illegible] of the [illegible] [illegible]

17 Reciprocity Treaty - omit

18 Mr Lee's Mission, omit

Appropriations [illegible] to be altered.

20 approved

21 " "

22 " "

[illegible] Heads of Report of [illegible] at [illegible], read but put off, but put off till the Commander in Chief can make his recommendations till Wednesday at 10 A.M. The King made known His pleasure that the Cabinet should again assemble at 10 A.M. on Monday next previous to the P. Council of that day at 11 A.M., under the

See page 14

The minutes of the 30th January, 13 February 14-16 & 17th were read

The King suggested that the consideration of the intentions of the war department should be deferred till Mr Lee can attend and that the heads of what he proposed saying in his opening Speech to the Legislature, should be read – The King went over the different heads, with allusions to acts to be recommended –

Some discussion took place upon the question of an act about usury

Adjourned till Monday at 10 a.m.

See page 11

Adjourned the Council accordingly

1855

Adjourned Cabinet Meeting in the Palace on Thursday the 21st February, at 10 A.M.

The King presiding
General Prince Kamehameha
Mr Allen
" Wyllie.
" Young

See page 13

The minutes of the 30 January - 13 February - 14 - 16 & 17th were read.

The King suggested that the consideration of the estimates for the each Department, should be deferred till [illegible] come also, & that the heads of what ~~the~~ ~~[illegible]~~ saying in his opening Speech to the Legislature. The King went over the different heads, with allusions to Acts to be recommended.

Some discussion took place upon the question of an Act against usury.

Adjournment till Friday at 10 A.M.

See page 16.

The King read the rough draft of a speech which he had hastily prepared, to be read to the Legislature which was unanimously approved.

General Kamehameha read the chief topics that he proposed bring forward in his plans to the department of war

He made the following detailed statement viz:

2 Companies of 60 men each in garrison on duty
the two other half companies not to be on duty, but to come in, in rotation, for exercise

He calculates the pay of one half company of 60 men including forage, but without clothing is, per month
$ 1241.0

The pay of two such companies with food $ 2482.0
for one year $ 29,784.0

etc.

Adjd. Cabinet Council in the Palace at 10 A.M.
1855
23 February 1855

The King presiding
Genl. Prince Kamehameha
(Mr Lee's letter to Mr Wyllie of this date shewing why he could not attend this morning was read)
Mr Young
" Allen.
" Wyllie

The King read the rough draft of a Speech which he had hastily prepared, to be read to the Legislature, which was unanimously approved.

General Kamehameha, read the draft Estimates which he proposed bringing forward in his plan to the Department of War.

He made the following detailed Statements, viz; 2 Companies of 60 men each, in garrison on duty; the two other half-companies not to be on duty but to come in, in rotation, from [illegible]. He calculates the pay of any half company of 60 men, including [illegible], is per month $1241-0

The pay of 2 such Companies in actual fact 2482.0

for one year $29,784-0

Adjutant General	yearly -	$1,200
Military Instructor	"	1,200
" Secretary	"	1000
		$3.400

Artillery Fort

1 Captain	yearly	[illegible].0
16 Privates	at 15$	2,880.0
1 Trumpet	- 30	360.0
1 Sergeant	. 18	216.0
1 Corporal	11	132.0
		4,368.0.
		3400.0
		29 784.0
		37,552.0. $ 37,552.0

Barracks Armory.

1 New Building for Barracks	$ 2,500
1 " " " Armory	" 1,000
Repairs of present Barracks	" 500
	4,000

Incidental expenses, including repairs of Arms, purchase of Ammunition, Office Expenses & printing 2500

Arms & accoutrements to be ordered from abroad

100	Minie Rifles	at 13.50 -	$1350
100	Swords for Infantry Officers	at 7.50 -	750
100	Sabres & Cords	.. 2	200
12	ditto for officers	- 6.87	82.44
300	~~[illegible]~~ Pistols	- 3.75	1,125.00
18	Patent Revolvers (Colts)	18.75 -	337.50
12	Bullet Moulds for Rifles	- 50cts	6.00
12	" " for Pistols	50 "	6.00
			3,856.94

Accoutrements

700 Bayonet Scabbards, Waist belts, gun Slings, haversack bags, 2 pairs of Cap Belts	- 2.50 ea	- 1,750.
400 Cartridge boxes	1.50 "	600
400 Knapsacks	- 3.00	1,200
		$3,550

Clothing

400 Caps	- 50 cents	$200.0
400 Shakos	1$	400.0
400 Army Cloth Over-Coats	a 3.75 =	1500.0
material for making up Jackets & other articles	}	5493.6
		7,593.6

For a military band $1000.

A discussion took place upon the question of a militia organization. The King made several suggestions. Agreed that the subject of the militia bill be postponed until General Kamehameha had matured his proposed Militia Bill.

Mr Wyllie stated that both now & on the 21st, he had papers with him, bearing on the question of the Ratification of the Swedish Treaty, but he wished to submit them in presence of Mr Lee.

Prince Kamehameha explained what had been done to Mr Young.

Adjourned by His Majesty.

A discussion took place upon the question of a Militia Organization - The King made several suggestions - Agreed that the subject of the Militia Bill be postponed until General Kamehameha had matured his proposed Militia Bill

Mr Wyllie stated that both now & on the 21st, he had papers with him bearing on the question of the Ratification of ~~the~~ the Swedish Treaty, but he wished to submit them in presence of Mr Lee.

Prince Kamehameha explained what had been done to Mr Young.

Adjourned by His Majesty

1855
Cabinet Council in the Palace, 28 February 1855
at 12 Noon.
The King presiding
The Chancellor. Genl Kamehameha
Mr. Allen
" Wyllie

The minutes of the 23 Feby were read & a discussion took place on a military Instruction & the nation from which he should be obtained, also a discussion on the question of the Ratification of the Treaty with the Kingdom of Sweden.

The King adjourned the Cabinet to Reassemble Tomorrow evening, at sun down.

The minutes of the 23^d Feby were read & a discussion took place on a Military Instructor & the Nation from which he should be obtained, also a discussion of the ratification of the Treaty with the Kingdom of Sweden.

The King adjourned the Cabinet to Reassemble tomorrow evening at sundown.

(March 10 See p. 24) 1855

Special Cabinet Council at the Palace, Wednesday 14 March at 12 Noon.

The King. Presiding
General Kamehameha
Mr Lee
" Allen
" Wyllie
" Young. Sick
" Armstrong

Mr. Wyllie submitted Mr Hall's official letter of the 14th with certain Resolutions of the Board of Managers of the Royal H. A. Society, suggesting that the Commissioner of the U. States be requested to support a special Reciprocity Treaty with the U States.

Agreed that Mr Wyllie request the same officially, inform the said Managers of the result and furnish Copies to Mr Lee.

Mr. Wyllie submitted draft of his letter to G Livingston, announcing Mr Lees Mission

Mr Wyllie read his intended Despatch for the Consul General & Mr Perrin, with copy of the draft of Act, copy of his despatch and letters to the Secretary of State at Washington, Consul General Livingston, the Prussian Minister, the Russian Minister and his intended Circular of the 12th August 1854, also his letter to the Russian in Consul, San Francisco, all which were approved further a Memorandum (unofficially) of points of Diplomatic Etiquette

Afterwards, the following Resolutions moved by Mr Allen -

Resolved - that the Minister of the Interior be authorized and ordered to empower the Hon W. L. Lee, to purchase for the Hawaiian Government a Dredging Machine and all things necessary for the operation of the same, and that he will make his drafts on the Minister of Finance for the Amount necessary all which is in conformity with the Appropriation Bill of 1854.

Resolved. that should the public Service of this Government require the Expenditure in the United States of a limited amount of the Monies drawn for as aforesaid, or for other purposes than specified, the said Lee is hereby authorized to do so, until additional funds be remitted

Special Cabinet Council at Rosebank in the evening 14th March

Present The King
" General Kamehameha
" Mr Lee
" Mr Allen
" Mr Armstrong
" " Wyllie

Mr Wyllie read over many official documents, of old and recent date, bearing upon the policy of the King in regard to His independence, and to His policy to obtain the protection of the great Maritime Powers and uniformity of all Foreign Treaties - and amongst others certain documents vindicating H.B.M's Consul General from certain charges insidiously brought against him as desirous of making the Islands a British Colony. After which, the King took the advice of the Cabinet respecting the Mode of raising Money to furnish His Palace, for Books for His Library &c that might perhaps Amount to $4000. Agreed that the Minister of Finance ask the Legislature for a Special Appropriation of the above Amount for the above purposes; if granted that the Amount be immediately remitted by Mr Allen in Bills Payable to the order of Mr Lee, but that the Books & furniture wanted by the King are to be bought in the United States and shipped by first opportunity, without delay & if the money be not remitted, to be paid here, on delivery - & Mr Wyllie and the other Ministers pledge themselves ratiably & proportionally for the due payment of those Articles, for the Kings honour

Military Instructor. Mr Wyllie adhered to his opinion preferring a French Officer. The question was put shall the Instructor be from the U. States or not -. Mr Armstrong, Mr Lee, Mr Allen & General Kamehameha for; and Mr Wyllie against them

Agreed that the ~~Instructor~~ selection be to Mr Lee.

Agreed that the $2500 be the remuneration offered. A discussion took place in regard to the rank to be given. That was left for future consideration. Afterwards the subject of the Ratification of the Swedish Treaty was brought up, but it being 11. P.M., it was postponed, and Mr Lee promised to state his objections in writing

The King ~~afterwards~~ adjourned the council till tuesday evening.

Cabinet Council at the Palace Thursday 15th March 1855, at 12 Noon.

Present. The King Presiding
General Prince Kamehameha
Mr. Allen
Mr. Armstrong
Mr. Wyllie.

The Minutes of the 14th in the Palace read.

Mr. Wyllie submitted Consul General Millers Official Reply of the 15th and private note. Also his letter of 22d September 1848 to Commodore Shubrick, on the principle of a Reciprocity Treaty.

The question of the amount to be appropriated for the Military was brought up. Mr Wyllie stated his wish to be allowed to ask for the full amount that the General Commanding in Chief, thinks necessary, it being understood that the amount is to be reduced at the discretion of the Minister of Finance, if the state of the Treasury requires it. General Kamehameha said the King wished to keep up 240 Men, regular troops. General Kamehameha went again over the Estimates with a view to see how far this could be reduced. The King made a calculation, showing how $2.248 - could be saved. Mr Wyllie suggested the idea of pressing into the Regular Army able bodied vagrants and Men guilty of petty misdemeanors, for a term of years, to serve only for their food and clothing and without pay, as a punishment more corrective and reformatory than the present punishment by imprisonment, at hard labour. The King did not like the principle of an armed force composed of delinquents. After going over the whole list, the whole reductions amounted to $10,075.

Agreed, that if Mr Lees health, should unfortunately fail, he is authorized to suspend his Mission till further orders, and that the expenses of a Secretary be allowed him, as proper expenses chargeable to his mission; and that Mr Wyllie so state in his final instructions.

Adjourned till tomorrow evening at Rosebank.

Special Cabinet Council, in the Palace
Saturday 10th March at 12 Noon
The King. Presiding
General Prince Kamehameha
The Chancellor
Mr Allen
Mr Armstrong
Mr Wyllie

Mr Wyllie submitted **A** Credentials. Approved
B. Full Powers. Approved
C Ditto. Reciprocity Treaty. Approved
D Instructions. Approved. Mr Wyllie then submitted a Protocol for a conference with the Representatives of the three Great Maritime Powers, an Act which he proposed to submit, and three drafts. dismissed

It was agreed that the Mission should be made public; and that Mr Wyllie be instructed to inform the Representatives of Great Britain & France confidentially of the objects of Mr Lee's Mission, in regard to a Reciprocity Treaty, with the U. States, and a Tripartite Treaty, and request them to write to their respective governments to support his negotiations in Washington; and this officially, if these Representatives request it; and to explain to Mr Gregg the Reciprocity Treaty, and about the of the Kingdom, generally

It was agreed that Mr Wyllie should submit confidentially to the Representatives of France & Great Britain the Act of Joint Accord which Mr. proposed

Agreed, that the Mission of Mr Lee as Envoy Extraordinary and Minister Plenipotentiary to the Courts of the U. States Great Britain & France, be submitted to the Privy Council on Monday.

Agreed, that next meeting be at Rosebank on the special business of Lee's Mission, the means for it, the for and other matters of urgent importance

see page 26

Minister of Finance

Mr Allen read his intended communication to the House of Representatives on the subject of the expenses of the late King's funeral which was fully approved.

Mr Lee's Mission

Mr Wyllie read his despatch No1 of the 19th March to Mr Lee, which was approved

Neutrality Treaty with the U.S

He also made known that he proposed having an early meeting with Mr Gregg on the subject of the neutrality convention with the United States, this was approved

Ratification of the Swedish Treaty

On motion of Mr Allen it was agreed to recommend to the P. Council to approve of the exchange of the King's ratification of the Treaty with the Kingdom of Sweden & Norway for that of His Majesty King Oscar

Military Surgeon

The Prince Kamehameha proposed $1.000 for a Military Surgeon, reduced to $500 under the voluntary obligation of the Minister of Public Instruction, so favorable to him, to make up the balance, if required

Report Minister of the Interior

The King read the Report of the Minister of the Interior, which was approved, subject to a slight amendment so far as to mention courteously to the British government the efforts made, unsuccessfully, to propagate in the Islands the genuine vaccine virus philanthropically sent out by H. B. M's Government

Report Minister of P. Instruction

Mr Armstrong read his report without the Statistics. He and Mr Allen explained the loss of $1877,57 adverted to in his report & Mr Wyllie his loss which he estimated at $500 more or less. Mr Allen showed strongly the impolicy of issuing Licenses in Lahaina where too much liquor is known to be consumed. Agreed that this important question be submitted to the Legislature.

Mr Wyllie's Reports.

Mr Wyllie stated that having lately overworked in despatching Mr Lee. and having been suddenly left without assistance, he has not yet been able to write one word of his report as Minister of Foreign Relations or as Secretary at-War and could not yet begin them for several days, but he would do his utmost to have these reports ready within the period fixed by the constitution (see page 27)

1855
Cabinet Council in the Palace at 10 A.M. - Thursday 22 March
The King presiding
Genl. Prince Kamehameha
Mr Allen
" Armstrong
" Wyllie

Minister of Finance

Mr Allen read his intended communication to the House of Representatives on the subject of the expenses of the late King's Funeral, which was finally approved.

The Leg. Address

Mr Wyllie read his Despatch No. 1 of the 19th March to the Leg., which was approved.

Neutrality Treaty with the U. States

He also made known that he purposed having an early meeting with the Judges, on the subject of the Neutrality Convention with the United States - this was approved.

Ratification of the Swedish Treaty

On motion of Mr Allen, it was agreed to recommend to the P. Council, to approve of the exchange of the King's ratification of the Treaty with the Kingdoms of Sweden & Norway, for that of His Majesty King Oscar.

Military Surgeon

The Prince Kamehameha proposed $1000 for a military Surgeon, reduced to $500 under the [illegible] obligation to the Minister of Public Instruction, to recommend to him, to make up the balance, if required.

Report Minister of the Interior

The King read the Report of the Minister of the Interior, which was approved, subject to a slight amendment, so far as to mention courteously to the British Govt., the efforts made (unsuccessfully), to propagate in the Islands, the genuine vaccine virus, phil-× anthropically sent out by [illegible] Germany [illegible] various [illegible].

× philanthropically

Report of the Minister of P. Instruction

Mr Armstrong read his Report, without the Statistics. He & Mr Allen explained the loss of $1877.57 adverted to, in his Report - & Mr Wyllie, his loss which he estimated, at $500 more or less. Mr Allen, showed strongly the inutility of repeating losses in balance, where no such figure is known to be consequently. Agreed that these important questions be submitted to the Legislature. ~~[illegible]~~

Mr Wyllie's Reports

Mr Wyllie stated that having been lately overworked, in despatching the [illegible], & having been suddenly left without assistance, he has not yet been able to write one word of his Report as Minister of Foreign Relations & as Secretary at War; & could not yet begin them for several days; but he would do his utmost to have these Reports ready within the period fixed by the Constitution.

The King's Speech.

The King read the Draft of His Majesty's intended speech (the original draft of which was approved on the 23 February) as amended by the Gov.; in some important points it was amended by the original draft read on the 23 February.

Agreed that Mr Armstrong suggest certain changes in his Department for the benefit of Education, & that it be noted in His Majesty's Speech.

Adjourned until His Majesty's future pleasure

See bottom page 26

The King's Speech

The King read the draft of His Majesty's intended speech (the original draft of which was approved on the 23d February) as amended by Mr Lee in some important particulars it was amended by the original draft read on the 23d February.

Agreed that Mr Armstrong suggest certain changes in his department for the benefit of education and that it be noted in His Majesty's speech.

Adjourned until His Majesty's further pleasure

1855
Cabinet Council in the Palace Tuesday 24th April
at 10 A M
Presiding The King Prince Kamehameha
Mr Allen
" Wyllie

Mr Allen produced his Budget & explained it, generally and showed that there would a deficiency of $90,000 or $100,000.

Mr Allen produced his Budget and explained it generally and showed how there would (be) a deficiency of $90,000 or $100,000.

1855
Cabinet Council Saturday 28 April in the
Foreign Office, at 12 A day
The King presiding
" ~~General~~ Prince Kamehameha
" Allen
" Armstrong
" Wyllie

The King called the attention to the effect
of the Bill opening Hilo, on the native population

The King called ~~the~~ attention to the effect of
the Bill opening Hilo on the native population.

1855
Cabinet Council, 1 May 1855.
Present the King Presiding. P. Kamehameha
, the Attorney
" Auditor
" Wyllie

Change in the Govt Press } The King stated that he wished the advice of the Cabinet on the subject of Mr Hall's resignation. After some discussion it was agreed that in view of Mr Hall's letter & of what had previously been resolved upon, Prince Kamehameha as acting Minister of the Interior should see Mr Hall & ascertain whether the time fixed by himself, or some further extension would best suit his wishes, and the regularity of the accounts of the office.

The King then adjourned the Council, till His further pleasure.

Change in the Govt Press } The King stated that he wished the advice of the Cabinet on the subject of Mr Hall's suggestions – After some discussion it was agreed, that in view of Mr Hall's letter and what had previously been resolved upon, Prince Kamehameha, as acting Minister of the Interior, should see Mr Hall and ascertain within the time fixed by himself, or some future extension would best suit his wishes and the regularity of the accounts of the office

The King then adjourned the Council, till ~~His~~ further pleasure

328.403.21

1855

Special Cabinet Council at the Palace
Friday 8th June, at 9 A.M.
Present. The King
Prince Kamehameha
Mr. Young
" Allen
" Armstrong
" Wyllie.

Subject Appropriation Bill

Mr Allen went over the Appropriation Bill, showing that while according to his Estimates, he only expected to receive $366.543.21 (reduced by deducting the Kings Note to the Treasury and the Note of the Privy Council for the late Kings Funeral) to $328.403.21, while the Honble House of Representatives had appropriated $517,257,12 Cents. This is upwards of 35 per Cent more than the expected Revenue.

Mr Allen went leisurely over all the items of the Bill, some of which were slightly amended.

Mr Allen took the Kings pleasure in regard to the Appropriations to reward Medical men for extra services during the Small Pox - and recommended the payment. Prince Kamehameha and Mr Armstrong expressed an opinion against it, Mr Allen in favor of it. Mr Wyllie was of the opinion that they should all be paid, including Dr Hardy, but in Bills, payable at 12 Months.

1855

Minutes of Special Cabinet Council
in the Palace, on Monday, at 10 A.M.
Present. The King
Prince Kamehameha
Mr Armstrong
Mr Wyllie

Mr Allen stated that the Committee with all their Amendments had not been able to reduce the Appropriations but on the Contrary had increased them, including the increase of $16.000 for the Military.

The Question of paying the Medical Men for their Services in the Small Pox time was stated.

Mr Allen read the declarations made by the Medical Men, they were commented upon.

Agreed to consider the Claim of Dr Lathrop separately.

After a long discussion, it was agreed that Mr Allen, should confer with the House of Representatives and ascertain on what principles they had made a distinction of the different Medical Men:

Cabinet 1855 Council in the Palace
Monday at 9 A.M. 18 June
The King presiding
Prince Kamehameha
Mr Allen
" Armstrong
" Wyllie

The Kings Proclamation of the 16th was read, discussed and amended by His Majesty himself & finally approved.

The King's Proclamation of the 16th was read, discussed and amended by His Majesty himself & finally approved.

See page 40

A discussion took place on the King's Speech on the 30th inst. Agreed that it be, if it so please His Majesty, Speech, brief and making the Appropriation Bill the special and only business of the session

Appropriation Bill taken up. The claim of $4000 for the [illegible] was discussed. It was put off till next meeting

The pay of the clerk of the Governess of Hawaii

$ 800 as Circuit Judge

$ 1000 as Secretary, Treasurer and Agent.

Police of Oahu $ 18,000

" " Maui 6,500

" " Hawaii

Government Press $ 2,000 for Director

All law officers reduced to the basis of last year

Prisons $ 20,000

Wharves 25,000

Appropriation for the wedding

see page 39

1855
Cabinet Council Palace Tuesday 24 July
at 11 A M

The King presiding
Prince Kamehameha
Mr Wyllie
" Allen
" [illegible]

A discussion took place on the Kings speech, on the 9th inst. agreed that it be, if it so please his Majesty speech, ~~[illegible]~~ & making the appropriation bill the special & only [illegible] of the session
Appropriation bill taken up. The item of $4000 for the [illegible] [illegible] was discussed, it was put off till next meeting.
The pay of the Clerk of the Governor of Hawaii
$800 as Circuit Judge
1000 as Secretary, Treasurer and Agent
Police for Oahu, $18,000
" Maui 6500
" Hawaii
Government Press $2000. for Director
All the offices reduced to the scale of last year
Prison $20,000
Wharves &c 25,000.
Appropriation for the military.

1855
Cabinet Council Palace 23d August at 11 Am.
Present the King
Prince Kamehameha
Mr. Allen
" Wyllie

Disbursements of the Minister of Finance without an Auditor

Mr. Allen represented that the clause empowering the Minister of Finance to disperse the public Monies without an Auditor, be considered
The consideration of this subject adjourned till the Privy Council of Monday.

Cession of five Islands, known as Stewarts Islands

Mr. Wyllie laid before the King the question of ratifying the Cession of Stewart Islands (a group of five near the Solomon Islands) made to His Majestys Commissioner Mr. St Julian. The subject was discussed, and also postponed till Monday next.

Recommendation of St Julian, as the Successor of Mr Campbell.

Mr. Wyllie recommended Mr. St Julian, as the successor of Mr Campbell, in the office of Consul General for New South Wales and all the other Districts of New Holland, as well as for Van Diemans Land.

The Cabinet Council was adjourned by His Majesty, for the Privy Council.

Cabinet Council Palace 17 September 1855
at 10 A.M.

Present The King
Prince Kamehameha
Mr Allen
" Wyllie
" Young.

Mr Wyllie submitted to the King the official copy of President Pierce's reply to His Majesty's autograph letter, the original of which is to be delivered to the King tomorrow at 12, by Mr Gregg – also copy of the address intended by the latter tomorrow.

Mr Wyllie presented also the reply of the President of Peru, to the King's autograph letter, which requires translation.

Mr Wyllie also submitted the Reciprocal Treaty with the U. States, negotiated by Mr Lee on the 20th July – with Mr Lee's Dispatch No 12 of the 28th, & parts of his private note of the ; & urged the King, at once to ratify the Treaty & have it published for general information.

Mr Wyllie submitted a Commission for Mr Charles Kidal, as agreed upon in P. Council, which His Majesty was pleased to sign

Mr Wyllie submitted to His Majesty the Deed of Cession of the Stewarts Islands, with Mr St Julian's Dispatch of 9th May, and proposed the following Resolutions, viz:

Mr Wyllie submitted to the King the official copy of President Pierce's reply to His Majesty's autograph letter, the original of which is to be delivered to the King tomorrow at 12 by Mr Gregg, also copy of the address intended by the latter tomorrow
Mr Wyllie also presented the reply of the President of Peru to the King's autograph letter, which requires translation.
Mr Wyllie also submitted the Reciprocal Treaty with the U. States negotiated by Mr Lee on the 20th July with Mr Lee's dispatch No 12 of the 28th and parts of his private note of the , & urged the King at once to ratify the Treaty & have it published for general information.
Mr Wyllie submitted a Commission for Mr Charles Kidal, as agreed upon in P. Council, which His Majesty were pleased to sign
Mr Wyllie submitted to His Majesty the Deed of Cession of the Stewart Islands with Mr St Julian's Dispatch of 9th May and proposed the following resolutions viz:

Mr Wyllie submitted Mr Gregg's despatches 21, ? 60, 69, 70 & 72 on the case of George Bailey with his replies to Mr Gregg Nos 26, 27 & 28. After some discussion the following resolution was agreed to as framed by the King himself –

1855
Cabinet Council of Emergency, Palace 1 October 1855
at 11 A.M.
Present. The King
Prince Kamehameha
Mr Allen
" Wyllie

Mr Wyllie submitted Mr Gregg's Despatches No. 68. 69.
70 & 72, on the case of Grace Bailey, with his replies
to Mr Gregg Nos. 26: 27. & 28:
after some discussion, the following resolution
was agreed to, and presented by the King himself -

1

Resolved, that Mr Wyllie is instructed to obtain a Record of the Evidence in the Case of Grace Baily, and in view thereof, and of the Correspondence which has taken place between him and the United States Commissioner in Relation to the same, which has this day been considered, to seek an early interview with the United States Commissioner to settle the question Amicably in order to avoid a Reference to the United States Government as indicated in the Despatch of the United States Commissioner, No 70 as His Majesty is especially desirous of Promptly settling all questions of Controversy

2

Resolved, that Mr Wyllie be instructed to reply to the Despatch of the U. S. Commissioner in relation to the Rights of American Citizens to a trial by Jury, and to the Notice to the American Consul, by the Courts of the Country, whenever an American Citizen is accused of Crime or Misdemeanor, & that his View of the case is the correct one; and that the attention of the Courts will be called to the Treaties in these Particulars that no further Neglect may occur hereafter

Mr Wyllie reported on his ~~conversation~~ conferences with the Commissioner of the U. States, in regard to the case of George Pelly and explained how he had succeeded in the case of James McLean a British subject, and the purport of his despatch of 25th September 1847. to the King's Commissioner in London.

After a discussion of some length, the following resolutions were agreed to as the rules of Mr Wyllie's conduct in the matter viz

Cabinet Council 13 December 1855 in the Foreign Office, at 12 Noon
Present The King
Prince Kamehameha.
Mr Allen
" Wyllie

Mr Wyllie reported on his conferences with the Commissioner of the U. States, in regard to the case of George Bailey — & adverted to the last precedent in the case of James Mc. Lean, a British subject, & the purport of his despatch of 25 February 1847 to the Brit. Commissioner in London.
After a discussion of some length the following 4 Resolutions were agreed to as the rules of the Cabinet's conduct in the matter: viz.

1

Resolved that having heard the Report of the Minister of Foreign Relations of his conferences with the Honorable David L. Gregg, under the Resolution of the King and Cabinet of the 1st November, the said Minister is authorized to settle the question relating to George Bailey, with the said Commissioner, by offering him ~~to~~ five dollars for each of the 20 lashes inflicted upon the said Bailey, illegally, by Mr L. C. Chamberlain, who is to pay the same, he being the only person really culpable for that infraction of law; and the said Minister is further instructed to state to the Commissioner of the United States, the strong hope of the King's Government, that the Honorable Commissioner will be satisfied with this reparation, in view of the regret expressed by Mr Chamberlain for the flogging of George Bailey — of the emphatic disapproval of the act by the King's Government, and of the punishment already suffered by Mr Chamberlain, who is also a Citizen of the United States, in the loss of an office yielding him an annual Salary of $2,000

2

Resolved that, if the Honorable David L. Gregg reject this measure of reparation, the Minister of Foreign Relations is instructed to suggest to Mr Gregg, that the Claim of George Bailey

to pecuniary reparation, be left, in the first instance, to the decision of the Courts of this Country, Mr Chamberlain being ~~no~~ now divested of office and since the 24th of October last, liable to suit— and to state, that if the decision of the Courts in the Case, should be such as under international law and usage, to justify dissent from it, it will be then be open for the Commissioner of the United States, to take up the case diplomatically, as he may see fit

3.

Resolved that if the Honorable David L. Gregg decline to acquiesce in either of these modes of settlement; the Minister of Foreign Relations is instructed to invite him to refer his objections and the overtures of this Government to Mediation; and to propose as the Arbiter for the Kings Government, Monsieur Perrin, Commissioner and Plenipotentiary of France, leaving Mr Gregg to name any Arbiter he may choose, such Arbiter being as disinterested in the case as M. Perrin, and of such Rank and Character as that M. Perrin will consent to meet him; the two Arbiters in case of difference to have power to name an Umpire; and their decision, with such Umpire, to be final.

4

Resolved that if the Honorable David L Gregg should decline all these overtures; the Minister of Foreign Relations is directed to close all correspondence with him on the question, and to transmit the whole particulars of the Case, with the instrument with which George Bailey was flogged, and what explanations the Minister may think necessary, to the Kings Consul General in the United States, ~~in the same way~~ for submission to the Government of the United States, in the same way, as was done on the 25th September 1847, in the somewhat similar British Case of James Maclean, of H B M. Ship Amo- and a Copy of Mr Wyllie's Despatch relating to that Case, is to be forwarded, Confidentially, to the Honorable Secretary of State, at Washington.

Cabinet Council 1855 in the Palace, on Monday 17th December, at 10 A.M.
Present the King
Prince Kamehameha
Mr. Allen
Mr Wyllie

Mr Wyllie submitted Consul General Millers Dispatch of 12th inst, with its 4 enclosures, relating to compensation, to the extent of $2,000 claimed for Henry Northam Esquire, under the decision of Chief Justice Lee in the case of Mrs [illegible]. He then submitted the draft of his letter of this date to the acting Chief Justice Hon Geo M Robertson, enclosing to him the Consul Generals Dispatch & its 4 enclosures, with a request for him to solve the questions involved in the said Dispatch.

The King referred to the law of [illegible] as it stands in the Statute Book

The article [illegible] in Vol 1 of the [illegible] [illegible] was read.

Mr Lee's Decision was read

After some discussion Mr Wyllie's Despatch to Mr Robertson, was approved of.

The King adjourned the Cabinet Council till his further pleasure.

Mr Wyllie submitted Consul General Millers despatch of the 12th inst, with its 4 enclosures, relating to compensation, to the extent of $ 2,000 claimed for Henry Northam Esquire under the decision of Chief Justice Lee in the case of Mr Vida, He then submitted the draft of his letter of this date to the acting Chief Justice, Hon. Geo M. Robertson inclosing to him the Consul General's despatch & its enclosures with a request for him to solve the question(s) involved in said despatch.

The King referred to the law of as it stands in ~~the~~ Statutes

The articles I— in vol 1 of the

was read [illegible]

Mr Lee's decision was read

After some discussion Mr Wyllie's despatch to Mr Robertson was approved of.

The King adjourned the Cabinet Council till his further pleasure.

Cabinet Council in the Palace at 1. P.M. 14th January 1856 -

Present the King - presiding

Prince Kamehameha } Mr. Young
being indisposed, with the } " Allen
Kings leave retired } " Wyllie

After discussing the "Projet" of a new Treaty with France, and the Minutes of the Conferences with Monsieur Perrin, the King remarked that it appeared to him, that an important omission had been made in those conferences.

Certain points had been agreed upon, not conclusively, but *ad referendum* to the French Government, but, he found no where, that the terms of the precise wording of the points to be referred, had been drawn up and agreed upon.

Before he could authorize His Plenipotentiaries to sign the Treaty, He required that all the points to be referred to the French Government, should be drawn up, by mutual accord by His Plenipotentiaries and the Plenipotentiary of France, signed by them, and presented to Him for consideration. He said, He could not be expected to engage to ratify a Treaty to containing Articles or Clauses, likely to assume a shape unknown to Him. He referred to His Instructions as indicating the kind of Treaty which He desired to obtain with France and which, He believes, the Emperor equally desired.

In conformity to these views of the King, it was resolved that His Majestys Plenipotentiaries, should make them known to the Plenipotentiary of France, and should, in concert, with him, draw up and sign all points of reference to France, in the precise form and terms in which Monsieur Perrin will refer them.

Moreover the King said, He does not understand the propriety of the stipulation that the Treaty be signed only in French and Hawaiian, and the English text merely authenticated as a translation. This appeared to His Majesty, to be a perversion of fact, the truth being that the whole conferences have been conducted in the English language; it is only through the English language

that the French text can be understood, and rendered into Hawaiian; the foreign Relations of the Kingdom cannot be conducted in the Native language, and there ought to be no fictions in an Instrument so grave and solemn, as an International Treaty. His Majesty, therefore insists that the Treaty, when concluded, be signed in the Hawaiian, French and English Languages.

It was resolved that the Kings Plenipotentiaries also make this known, to the Plenipotentiary of France.

The King adjourned the Cabinet Council, till his further pleasure

1856
Cabinet Conference with the King, in the Foreign Office 6 February at 12 Noon
Present the King
Prince Kamehameha
Mr Wyllie

It was agreed that on the strong recommendation of Sir Geo Simpson, Manley Hopkins Esquire, be made Consul General & Chargé d'affaires at the Court of St James — and Charles Vidal, Esquire, the same at that of the Tuilleries, & both accredited precisely in the same manner; & Mr Wyllie received the King's commands accordingly.

The King expressed his pleasure that the new Treaty with France be taken up in Cabinet, whenever Mr Allen returns.

Mr Wyllie submitted Mr Gregg's Despatch relating to the case of Rev Mr ? and another relating to reparation for George Bailey; & the King similarly expressed his pleasure that they should be put off till after Mr Allen returns.

His Majesty took with him to peruse personally the first despatch; & adjourned the meeting, till he might know of Mr Allen's return, when he would order another immediately.

It was agreed that on the strong recommendation of Sir Geo. Simpson, Manley Hopkins Esquire be made Consul General & charge d affairs at the Court of St James & Charles Vidal Esquire the same at that of the Tuilleries & both accredited precisely in the same manner & Mr Wyllie received the King's commands accordingly

The King expressed his pleasure that the new Treaty with France be taken up in Cabinet whenever Mr Allen returns,

Mr Wyllie submitted Mr Gregg's Despatch relating to the case of Rev Mr ? and another relating to reparation for George Bailey & the King similarly expressed his pleasure that they should be put off till after Mr Allen returns

His Majesty took with him to peruse personally the first dispatch and adjourned the meeting till he might know of Mr Allen's return, when he would order another immediately

1856

Cabinet Council in the Foreign Office. Wednesday 13th February, at

Present. The King, Presiding
Prince Kamehameha
Mr Allen
" Wyllie

The Minutes of the 14th January and 6th February were read.

Mr. Wyllie read read his despatch No 2 of 14 January to M. Perrin, and the latter's reply No 5 of the 23d. with the 3d Article and the 2 substituted articles to be referred, of all which M. Perrin had furnished translations in English.

After some discussion on the latter the following Resolution was passed.

Resolved -; That His Majesty in Cabinet Council, having considered the Treaty as Negotiated by His Ministers Plenipotentiary with the Commissioner and Plenipotentiary of France, in Connection with his despatch No 5 of January 23. 1856, and its enclosure - authorizes His said Ministers Plenipotentiaries to sign said Treaty, that it may be in shape to be referred to the Government of France; it being clearly understood that in regard to ratification, His Majesty reserves His rights on Certain points, principles respecting which he proposes to address the Emperor an Autograph letter, a Copy of which will be sent to the Commissioner and Plenipotentiary of France

Mr. Wyllie submitted Mr Gregg's separate despatch of the 14th which was read by Prince Kamehameha; and read his unofficial Note of the 23d January.

He read from Vattel on Kings authority over Ministers of Religion - and Mr Allen read from the Constitution - After some discussion it was agreed in what terms ~~terms~~, that despatch should be referred to.

Mr. Wyllie then submitted Mr Gregg's Despatch No 80 up to 21. January which was read by Prince Kamehameha. He then submitted extracts from the laws of Nations showing that the Government is not bound to make any

pecuniary reparation

Agreed that Mr Wyllie have a Conference with Mr Gregg on the subject.

The King adjourned the Council till Friday at 10 Am.

1855$^{\overset{9}{56}}$

Cabinet Council in the Palace on Friday 15th
at 10 A.M.

Present The King Presiding
Prince Kamehameha
Mr Allen
" Wyllie

Mr Wyllie read the Minutes of the Cabinet Council of the 13th.

He then submitted the following, viz
his Despatch No 4 of the 14th to Mr Perrin
" " " 5 " " " " Mr Gregg.
" " Marked Separate of the same date also
" " to Mr Gregg.
All these were approved, after slight alterations in the last.

Mr Wyllie submitted his Report to the Privy Council, recommending the King to accept the Cession of the Sovereignty of the Stewart Islands; After some discussion the King was pleased to express his pleasure to accept the Sovereignty, but solely for the good of the Natives of these Islands and of the Solomon Islands, and without any pecuniary or other responsibility. His Majesty expressed a wish that the Report should be again brought up before the Privy Council on Monday next.

The first 21. pages of the draft of Mr Wyllie's Report, for Foreign Relations, ending with the words "Second case of John Wiley" were read to which two slight amendments suggested by Mr Allen were made. Mr Wyllie stated his desire to have it printed so as that the Press might have time for the other Reports.

The King adjourned the Council till His further pleasure.

See page 64

The minutes of the 15th were read.

Mr Allen read the draft of his report of the financial transactions of his Department from 1855 to 31st December, with sundry recommendations

The estimates of the Department of War were submitted, the necessity of a new Barracks was discussed and it was agreed to defer the future consideration of the same until P. Kamehameha had made out estimates of the expense of a new barracks and suggested [illegible] locality.

Prince Kamehameha read so much of the Report of the Minister of the Interior as had been prepared, with sundry recommendations

Agreed to meet at the Palace at 10 a. m. on Monday.

The King consented to allow the name of Kamehameha IV. to be given to Mr Janion's new clipper and to name Mrs Janion as his proxy for the baptism

Mr Vidal's despatch of 14 December was read also the despatches of Count [illegible] and of Mr Stoeckl.

The King made known his intention on the arrival of Mr Lee, to go out in the Steamer Akamai, to meet him and expressed his pleasure that all his ministers should accompany him which they all promised to do

His Majesty adjourned the Cabinet Council till Monday at 10 A.M. in the Palace to consider the appropriations for his civil list for the coming year.

See page 63

1856.

Cabinet Council. Monday 21 January
in the Foreign office, at 10 A.M.
Present the King presiding
P. Kamehameha
Mr Allen
" Wyllie

The minutes of the 15th were read

Mr Allen read the draft of his Report of the Financial transactions of his Department for 1855 to 31 December, with sundry recommendations.

sundry The ~~Estimates~~ estimates of the Department, & new were submitted, the necessity of a new barracks being freely discussed & it was agreed to defer the further consideration to the next meeting, P. Kamehameha to make out estimates of the expense of a [illegible] barracks, & suggest a proper locality.

Prince Kamehameha read so much of the Report of the Minister of the Interior, as had been prepared, with sundry recommendations.

Agreed to meet in the Palace at 10 A.M. on Monday, ~~[illegible]~~.

The King condescended to allow the name of Kamehameha IV to be given to the ~~[illegible]~~ Janions new Schooner & to ~~name~~ name Mrs Janion as his Proxy for the Baptism.

Mr [illegible] Despatch of 14 December was read, also the Despatches of Count [illegible] and of Mr [illegible].

The King made known his intention on the arrival of Mr Lee, to go out in the Steamer Kilauea, to meet him & expressed his pleasure that all his Ministers should accompany him, which they all promised to do.

His Majesty adjourned the Cabinet Council till Monday at 10 A.M., in the Palace, to consider the appropriations for the civil List, for the coming year.

1856
Cabinet Council on Saturday
23 January February at 11 A.M.
Present the King presiding
Mr Lee
" Allen
" Wyllie

The minutes of the 21st were read

The letter of the President of Chile of the 27th July, to the King & of the Minister of Foreign Affairs Don [illegible] were read. Mr Lee was welcomed back to the Cabinet.

The King submitted the necessity of about $2,500 for buildings in the Palace & how he could obtain the same for immediate use - and 2,500 more for furniture &c - in all $5,000. the $2500 wanted immediately.

Agreed that in the faith that the Legislature will vote the $5000, an endeavour be made to get some House-builder, to build the House required by the King to be paid for the same on the 1st of May 1856

The King adjourned the Council, till 10 A.M. on Monday, in the Palace

The minutes of the 21st were read

The letter of the President of Chili of the 27th July to the King and of the Minister of Foreign Affairs Don were read — Mr Lee was welcomed back to the Cabinet

The King submitted the necessity of about $ 2.500 for buildings in the Palace & how he could obtain the same for immediate use and $ 2.500 more for furniture, &c, in all $ 5.000, the $ 2.500 wanted immediately

Agreed, that in the faith that the Legislature will vote the $ 5.000 an endeavour be made to get some House builder to build the House required by the King to be paid for the same on the 1st of May 1856.

The King adjourned the Council till 10 a.m. on Monday, in the Palace.

The minutes of the Cabinet Council of the 23d were read

The King, with reference to his civil list proposed, that as consistent with right & precedent an appropriation should be made for his future Queen & provided for in the appropriation bill

The King's present appropriation is $16,000
It was thought it would not be too much
to ask - - - 2,000
for the future Queen, making the whole
appropriation $18,000

It was suggested that the King should consider the propriety of

The annual allowance to the Queen of $[illegible]100 was discussed
x x x x x making in all 7.100. It was considered that the $1000 from the Treasury should cease

Agreed that Mr Allen insert the $1100 for the Queen dowager in his appropriation Bill

Mr Webster having come in produced a plan for building the new house wanted by the King and stated that his estimates were that it would cost about $5,000

Agreed that Mr Webster draw out a particular specification of all the work and materials for the new house, obtain sealed tenders and meanwhile ascertain whether he could borrow the money on reasonable terms.

The King submitted the question of paying the P. Council - Agreed to consider it at a future meeting

The King adjourned the Council till 1/2 past 10 on Monday morning.

Cabinet 1856 Meeting in the Palace on Monday 25th February at 10 A M.

Present the King presiding
Prince Kamehameha
Mr Allen.
" Wyllie

The minutes of the Cabinet Council of the 23d were read.

The King with reference to his anticipated marriage thought it consistent with right & prudence that an appropriation should be made for his future Queen & provided for in the appropriation bill.

The Kings present appropriation is $16,000 it was thought it would not be too much to ask 2,000 for the future Queen, making the whole appropriation $18,000.

It was suggested that the King should consider the propriety of handing over [illegible] The annual allowance to the Queen of 1000 $ Queen dowager [illegible] ~~[illegible]~~ in ~~[illegible]~~ [illegible] $ 2400 [illegible] [illegible] $ 2,000 from the King for [illegible] & perhaps 2,500 from [illegible] making in all 7100. It was considered that the $1000 from the Treasury should [illegible] Queen [illegible] through the Mr Allen in his appropriation bill [illegible] the $1000 for the

The Minister having called in, produced a plan for finishing the new House wanted by the King & stated that his estimates were that it would cost about $5000.

Agreed that the Minister, making out of particular specifications of all the works and materials for the new House, shall call for tenders, and meanwhile, ascertain whether he can borrow the money, on reasonable terms.

The King submitted the question of paying the P. Council. Agreed to consider this at a future meeting.

The King adjourned the Council till 1/2 past 10 on Thursday morning

Cabinet Council presided over by the King, in the Foreign Office, at A M - 28 February 1856

Present The King presiding
Prince Kamehameha
Mr Lee
Mr Allen
Mr Wyllie

Mr Lee's accounts were submitted & passed as follows; -

Expenses of Mr. Lee's Mission, as per account all the items of which, he has fully explained by Vouchers and otherwise $2073.30.

Add the following for Medical and Surgical attendance to Mr Lee in New York 2073.30
to Dr. Finlay. $ 35. -
Ditto. Ditto. " Dr. Hunter. " 25. -
Ditto Ditto " Dr Finlay
$255 reduced by Mr Lee to $100
as per his letter of 26 February. 100. "
Leaving a balance of $2.233. 30
for which a Cheque is to be drawn, in favour of Mr Lee.

Mr Lee received to execute orders for the Government $21.026. 38
And has expended per account 17.105. 74
leaving a balance $3.920.64
at the disposal of the Government.

There are still $1400 to be paid to Mr. Osgood as per Contract, after due delivery of every thing in Honolulu, with a deduction for any deficiency there may be, according to the value thereof.

The accounts and Vouchers above referred to were produced and Mr Lee's letters of the 25th and 26th February were read, & all the accounts were approved of.

Mr. Allen submitted matters concerning the Appropriation Bill. His estimate of the Revenue for the Coming Year is - $348. 315 and of the necessary Expenditure 371. 366. leaving a probable surplus.

of $76.949.

The Appropriations for the Kings Privy Purse were Considered. Prince Kamehameha stated that he would require something more for the Kings Royal State

After some discussion, it was agreed that Estimates should be procured of the precise sums required for New Buildings in the Palace and for Repairs of the old.

The question of the payment of Privy Councillors came up. At present only 4 receive payment each $800 Agreed that the Privy Councillors, be paid as usual. $500 for Secretary of the Privy Council and $100 for Incidental Expenses, agreed upon.

Department of Interior. All the other items up to the $16,000 for the Police agreed to. $16,000 for the Police agreed to - all the other items, as read by Mr Allen approved of.

Foreign Relations - Mr Hopkins to be allowed the same Salary as Mr. Barclay - $800 for the Kings Foreign Agent - also $10,000 for Foreign Missions ~~&~~ Residents that may be necessary: & $873-71 for balance due to Mr Jarves, for his [illegible] of 1849.

Appropriation for the Military - Agreed that the appropriation for a Military Instructor, be discontinued - and that $40,000 be allowed for the Military.

Judiciary - The appropriations to be considered, after Mr Lee has conferred with Mr. Robertson.

Public Instruction - The items as read by Mr Allen approved of. The "~~Elele~~ Ka Hawaii~~an~~" Native paper, does not require a Special Appropriation.

Public Improvements - Agreed to Consider the appropriation afterwards when Estimates are obtained.

Miscellaneous Expenses - Agreed that $500 be allowed for the Native Agricultural Society, equal to that made by the law of 1857, for the Royal Agricultural Society.

All the other items, as read by Mr Allen, were discussed and approved, also the Sections to be hereafter Considered.

Mr. Wyllie submitted Mr. Gregg's Separate Dispatch of the 22d, about a Charter to the Methodist Church, There not being time, to read all the Correspondence, it was agreed, to bring the question up before the Privy Council of next Monday.

It pleased the King to adjourn the Cabinet Council, till tomorrow at ½ past 10 A.M.

1856.

Cabinet Council in the Foreign Office
Friday 29th February 1856.

Present. The King Presiding
" Prince Kamehameha
" Mr Lee.
" Mr Allen
" Mr Wyllie

The Minutes of yesterday were read and amended, in regard to the balance of 873.71 to be paid.

Question of the ~~Sovereignty~~ acceptance of the Sovereignty of the Stewart Islands taken up.

✓ Mr Wyllie read the Minutes of the 15th February upon the subject. It was agreed that the acceptance, as agreed to at that Cabinet Council and approved by the Privy Council, shall stand.

New French Treaty taken up. Mr Wyllie submitted the Minutes of the Cabinet of the 14th January and 13th February. Read his despatch No 2 of 14th January to M. Perrin, also M. Perrin's No 5 of the 23d January with its enclosure. likewise the Minutes of the 15th February, and read the draft of his official reply No. 4 of the 14th February to M. Perrin

Mr Wyllie read ~~[illegible]~~ the original Powers to Mr Allen and himself of July 1855

Mr Allen read over the English text of the New Treaty with France to Article 14 inclusive. and rendered explanations as he went along, ~~several of them remaining for further discussion~~ several of them remaining for future discussion

The King expressed his pleasure to adjourn the further consideration of the Treaty till tomorrow at 11 A.M.

Captain Websters Estimate for the New House in the Palace, ~~amounting~~ amounting to $5006. and Mr Millers tender for $5800. and Mr Lowers for $5600. $6000 will be required for the New Buildings, and

and $500 for the repairs of the old Palace.
$1500 agreed upon to be put in the Appriation
Bill

The King adjourned the Cabinet Council
till tomorrow; at ~~½ past~~ 11 AM.

Cabinet Council 1856 in the Foreign Office, on Saturday, at 11 A.M. - [illegible]
Present The King presiding
Prince Kamehameha
Mr [illegible]
" Allen,
" Wyllie

The minutes of yesterday were read
The new Treaty with Bremen was resumed; & Mr Allen commenced reading article by article, from the 14th & read all the others

The consideration of the Treaty Article by article, was resumed.

Article 1 was read again and no Comment made.

Article 2. was read

Mr Lee sent for the Official Protocols and for those kept by Mr Wyllie.

Mr Wyllie read from the Protocol of the 2d Conference, dated 1 September to show that the English Translation had been dictated by him and carefully compared.

A discussion took place on the 3d paragraph, upon the words Sufficient Guarantie. The following wording was approved of — all the words after to be admissable to be stricken out and the following inserted — "and they may be admissable as Bondsmen "at the Custom House, under the same rules "and regulations as Subjects or Citizens of "the Most favoured Nation" The object of this amendment being to render the meaning as clear as it is in the British Treaty.

The 4th paragraph of the 2d Article was discussed. After the word so long and to the end, the words to be stricken out — and to be inserted as a new paragraph. "It is expressly understood that all the privileges granted in this Article shall be enjoyed subject to the laws and regulations of the two Countries respectively —

The 4th paragraph. strike out in all their purchases as well as in all their sales

Any further discussion was brought to a close, by the following Resolutions, written out and proposed by the King. "Whereas "the basis of a new Treaty with France has "been agreed upon between the Plenipotentiary "of France and the two Plenipotentiaries of "this government, and whereas such basis "was agreed upon after joint consideration "by the several Plenipotentiaries on Articles "presented by the Plenipotentiary of France, and "whereas the Plenipotentiaries of this Kingdom "have received authority under the Resolution "of 13th February to sign the same under "certain conditions mentioned in the said "Resolution - and whereas it is desirable "that pending any action by the Plenipotentiaries of this Kingdom on the said Resolution, effort should be made to procure "the consent of the Commissioner of France "to consider Articles to be presented by the "Plenipotentiaries of this Kingdom in order "to agree upon a basis more identical "with that of the English and American Treaties, "and also in order to do away with the "necessity of making direct reference to the "Emperor of France, Be it Resolved - "that the two Plenipotentiaries of this Kingdom be instructed to make the same known "to the Representative of France, and to take "the necessary steps to obtain the desired "effect!"

The King retired leaving the alone for the consideration of the Cabinet; they were respectfully received, and it was agreed to defer their consideration until the next meeting.

Adjourned till Wednesday.

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The minutes of the 1st March were read and it was agreed with a view to give an opinion on the Resolutions proposed by the King, it was advisable first to go over the Treaty
The consideration of the new French Treaty was resumed.
It was proposed that the 3d Article be stricken out & the following inserted:
"It is agreed that a proposition to repeal the VI section of the Hawaiian law of 6 June 1848 shall be made at the next Session of the Legislative Council"
Article 4 was read by Prince Kamehameha, Mr Lee suggested that the words in the English text "a constant & complete protection" be stricken out, and the following words be put in "a full & perfect protection" That the word "finally" in the English text be changed to "in fine they shall enjoy in all like respects
Mr Lee expressed a doubt, that under the 2 paragraph of the 4th Article, French subject might claim to be placed on a par with natives in regard to the Foreign School Tax, and a wish that [illegible] should state that they would not make such claim, on the strength of that paragraph, it being so understood during the [illegible]
Mr Lee proposed that in lieu of the 3d paragraph of the 4th Article the following should be inserted. Their respective subjects shall enjoy in the Possessions & Colonies of both states the same rights & privileges & the same liberty of Commerce & Navigation which are now enjoyed or hereafter may be enjoyed by the most favored nation
The 5th Article was read, discussed and passed.
The 6th Article was read by P. Kamehameha
Mr Lee suggested that to the end of the Article be

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1856
Conference in the Cabinet, on Thursday the 6th of March, in the Foreign office, at 11 AM
Present (The King did not attend)
Prince Kamehameha. Mr Lee
Mr Allen
Mr Wyllie

The minutes of the 1 March were read, & it was agreed that with a view to give an opinion on the Articles proposed by the King, it was advisable first to go over the Treaty.

The consideration of the New French Treaty was ~~resumed~~ renewed. It was proposed that the 3 article be stricken out & the following inserted —

"It is agreed that a proposition to amend the VI Section of the Hawaiian Act of 6 June 1848, shall be made at the next session of the Legislative Council".

Article 4th was read by Prince Kamehameha. Mr Lee suggested that the words in the English text "a ~~perfect & f~~ constant & complete protection be stricken out & the following words be put in — "a full & perfect protection" — that the words "finally in the English text be changed to — "in fine, they shall enjoy in all these respects".

Mr Lee expressed a doubt that under the 2 ~~3~~ paragraph of the 4 Article French Subjects might claim to be placed on a par with natives in regard to the Foreign School Tax. & a wish that the French should state that they should not make such claim, on the strength of that paragraph, as ~~[illegible]~~ understood during the conferences.

Mr Lee proposed that in lieu of the 3d paragraph of the 4th Article the following should be inserted. "The respective subjects shall enjoy in all the Possessions & Colonies Possessions & Colonies of either State, the same rights, & privileges & the same liberty of Commerce & naviga-tion which are now enjoyed, or hereafter may be enjoyed, by the ~~subjects~~ most favored nation.

The 5th article was read discussed & passed.

The 6 article was read by P. Kamehameha Mr Lee suggested that to the end of the article, be be added the words — It is clearly understood that the rights & privileges granted in this article, are subject always to the local laws & regulations of the two countries respectively.

Mr Lee suggested that to the end of the 7 article, the following words should be added — "Providing that nothing in this article shall be construed so as to ~~prevent~~ exempt the subjects of either country from their private liabilities"

Mr Lee proposed to add to the 9th article the following, viz:—

"Nothing in this article contained is to be so construed as granting the admission of articles free of duty as provided for by the recent Treaty of Special Reciprocity negotiated with the U States, unless for equivalent considerations.

The ninth article was read & approved

It being nearly 2 P.M., agreed to adjourn till Saturday, at 11 A.M.

be added the words — It is clearly understood that the rights & privileges granted in this Article are subject always to the Local laws of the two Countries respectively

Mr Lee suggested that to the end of the 7th Article, the following words should be added. "Provided that nothing in this article shall be construed so as to exempt the subjects of either country from their private liabilities

Mr Lee proposed to add to the 9th Article the following viz,

"Nothing in this Article contained is to be so construed as granting the admissions of Articles free of duty as provided in by the recent Treaty of Special Reciprocity negotiated with the U. States, unless for equitable considerations

The ninth Article was read & approved

It being nearly 2 p.m. agreed to adjourn till Saturday at 11 a.m.

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1856

Conference in the Cabinet, on Saturday the 8th March, in the Foreign Office, at 1/2 past 11 A.M. Waited till 12 for Prince Kamehameha

Present (The King did not attend)

Prince Kamehameha
Mr Lee
Mr Allen
" Wyllie

The minutes of the 6th were read

Prince Kamehameha read the 1 paragraph of the 10th Article. Mr Lee proposed that at the end of the Paragraph, the following words should be added - "Subject however to the restrictions imposed by law, upon the sale of spirituous liquors, to the natives."

Prince Kamehameha read the 2 paragraph. Mr Lee objected to the reduction of the duty on wines of Cognac to 5 per Cent, alleging that Great Britain would claim the same reduction on ales. Agreed that an effort be made to strike out the 2 reduction, applying to wines de Cognac; & if not successful to put the duty at 10 per cent. instead of 5 per Cent.

The 3 & 4th paragraphs approved

In lieu of the 5th paragraph Mr Lee proposed these the following - "There shall not be added to the duties on wines & brandies, (herein specified) any extra charge ~~for~~ the Customs, or fees or Customhouse agent"

Prince Kamehameha read the 11th article. Mr Lee objected to the word wharf in the article.

P Kamehameha read the 12 Article. Mr Lee proposed, that the word "moment" should be put before vessel - & ~~after any Port~~ made in, that the words "the any port" be stricken out & added "in any Port open to Foreign Commerce, in which" - & after cargo in 5th line strike out "the other Ports" & insert - "to any other Port open to Foreign Commerce" -

P. Kamehameha read the 13 Article
(see page 90)

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The minutes of the 6th were read.

Prince Kamehameha read the 1st paragraph of the 10th article. Mr Lee proposed that to the end of the paragraph the following words should be added:" "subject however to the restriction imposed by law upon the sale of spirituous liquors to the Natives"

Prince Kamehameha read the 2d paragraph. Mr Lee objected to the reduction of the duty on wines of cargaison to 5 per cent alleging that Great-Britain would claim the same reduction on ?   Agreed that an effort be made to strike out the 2d section applying to wines de cargaison and if not successful to put the duty at 6 per cent instead of 5 per cent

The 3d & 4th paragraphs approved

In lieu of the 5th paragraph Mr Lee proposed the following ' There shall not be added to the duties on Wines & Brandies any extra charge for the Customs or for a Custom House guard.

Prince Kamehameha read the 11th article, Mr Lee objected to the word "Wharf in the article

Prince Kamehameha read the 12th article, Mr Lee proposed that the word merchant should be put before naval and that the words 'the port' be stricken out and adding "in any port open to Foreign Commerce and after "Cargo" in the 5th line, strike out " to other ports" and insert " to any other port open to Foreign Commerce".

Prince Kamehameha read the 13th Article

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1856

Cabinet Council - 24 April at 10 A.M.
Present. The King
Mr Lee
" Allen
" Wyllie

After some explanations of Mr Wyllie's letters to Mr Julius Anthon of 28 November & this date, respecting the Danish Treaty, agreed that Mr Wyllie should request Mr Lee to suspend a final decision on the case of Melchers, till a reply be received from the Danish Govt

Agreed that Mr Wyllie write to Mr Everett requesting his good offices in Washington, towards the removal of any objections to the confirmation by the Senate of the Treaty of special reciprocity with the U States, offering the payment of his expenses while so employed

Mr Wyllie received the King's authority to issue an Exequatur to Mr Melchers as Consul of Bremen

After several explanations of Mr Wyllie's letters to Mr Julius Anthon of 28th November and this date, respecting the Danish Treaty - Agreed that Mr Wyllie request Mr Lee to suspend a final decision on the case of Melchers, till a reply has (been) received from the Danish Govt.

Agreed that Mr Wyllie write to Mr Everett requesting his good offices in Washington towards the removal of any objections to the confirmation by the Senate of the Treaty of special Reciprocity with the U. States - offering the payment of his expenses while so employed.

Mr Wyllie received the King's authority to issue an Exequatur to Mr Melchers as Consul of Bremen

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Continuation of minutes of the 7th March

which was explained – the mistranslations were deleted

P. Kamehameha read the 14th Article. Mr Lee suggested the adoption of the 7th Article in the Treaty of the U. States with the Argentine Republic which is as follows viz.,
" The contracting parties agree to consider & treat, as vessels of the U. States and of the Argentine Confederation all those vessels being furnished by the competent authority with a regular passport or Sea letter, shall under the existing laws & Regulations of either of the two governments be recognized fully & bona fide as national vessels by that country to which they respectively belong

Prince Kamehameha read the 15th Article. Mr Lee suggested that in place of the words "one Port to another, in the latter part of the paragraph, the words " one to another of said Ports" be inserted.

Prince Kamehameha read the 16th Article Approved.

Article 17 was read by P. Kamehameha, Mr Lee stated some objections to the Consular exemptions and prefers the same wording as in the British or American Treaty.

The 2d paragraph of Article 17 was read by Prince Kamehameha Mr Lee objected to the same Consular privileges to Consuls as granted in the Consular Convention with the U. States on the ground of inconvenience to the Courts

Prince Kamehameha desiring to attend to business at 11 A.M. the meeting adjourned till Tuesday the 11th at 11 A.M.

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Continuation of Minutes of the 8 March

which was explained. The mistranslations were detected.

P. Kamehameha read the 14 article. Mr Lee suggested the adoption of the 7th article in the Treaty of the U States with the Argentine Republic, which is as follows; viz

"The contracting parties agree to consider & treat, as vessels of the U States & of the Argentine Confederation, all those which, being furnished by the competent authority with a regular Passport or sea letter, shall under the existing laws & regulations of either of the two Governments, be recognized fully & bona fide as national vessels by that Country to which they respectively belong.

Prince Kamehameha read the 15 article Mr Lee suggested that in place of the words one Port to another, in the latter part of 1 Paragraph. the words – one to another of said Ports – be inserted.

Prince Kamehameha read the 16 article approved

Article 17th. was read by P. Kamehameha Mr Lee stated some objections to the consular exemptions & proposed the same wording as in the British or American Treaty.

The 2 paragraph of Article 17th, was read by Prince Kame-hameha. Mr Lee objected to the same Consular privileges to Consuls as granted in the Consular Convention with the U States, on the ground of inconvenience to the Country.

Prince Kamehameha having to attend to business at 11 A M. the meeting adjourned till Tuesday the 11th at 11 A M.

The minutes of the 8th were read

Prince Kamehameha read the 2d paragraph of the 17th Article. Mr Lee repeated his objections to the exemption of French Consuls &c from attendance in Court on the ground that it would be necessary similarly to exempt all other Consuls, which would greatly embarrass the operation of the Courts, and suggested that the paragraph be stricken out and that the following be inserted — whenever the presence of Consuls may be required in Court or Offices of Justice they shall be summoned in writing (Section 4 Article V. (5) of the Consular Convention between the U. States and New Granada.

The 3d paragraph was read and it was agreed that for impediment the word indisposition be used, and that the words "shall cause them to be" substituted by "they shall".

The 4th paragraph was read & passed without objection.

Prince Kamehameha read the 18th Article, the word visited to be changed to examined.

The 19th Article was read by Prince Kamehameha and corrections in the translation made

The 20th Article was read.-

The 1st paragraph was read and then all the other paragraphs. Mr Lee proposed to omit the whole article and insert the 2 paragraph of Article 9th of the British Treaty, which was agreed to.

The 21st Article was read by Prince Kamehameha and a long discussion ensued- Mr Allen read from Mr Wheaton & Mr Wyllie the minutes of the 21st Article of the 11th October, it was proposed to add to.

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1856

Conference in the Cabinet, on Tuesday the 11th of March, in the Foreign Office, at 11 A.M.

The King did not attend
Prince Kamehameha
Mr. Allen.
" Wyllie.

The minutes of the 8th were read.

Prince Kamehameha read the 2 paragraph of the 17 Article. Mr. Lee repeated his objections to the exemption of trading Consuls from attendance in Court, on the ground that it would be necessary similarly to exempt all other Consuls, which would greatly embarrass the operation of the Courts — and proposed that the paragraph be stricken out & that the following be inserted — Whenever the presence of Consuls may be required in Courts or offices of Justice, they shall be summoned in writing. (Section 2 Article 2 of the Consular Convention between the King and New Granada)

The 3 Paragraph was read, and it was agreed that for impediment, the word indisposition be used — & that the words shall cause them to be substituted by they shall

The 4 paragraph was read & passed without objection

Prince Kamehameha read the 18th article, the word visited to be changed to examined.

The 19 Article was read by Prince Kamehameha — and 2 corrections in the translation made.

The 20th article was read

The 1st paragraph was read — & then all the other paragraphs. Mr. Lee proposed to omit the whole article & insert the 2 paragraph of article 9th of the British Treaty — which was agreed to.

The 21 Article was read by Prince Kamehameha. A long discussion ensued. Mr. Allen read from Mr. Wheaton, & Mr. Wyllie, the remarks, on the 21 article of the 11th Article. It was proposed to add to

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to the end of the Article, the following.
"Nothing in the above Article shall be construed as to debar the courts of either country from exercising jurisdiction in all cases disturbing the public peace and tranquility, or affecting persons not belonging to the crew or the sailors in whose service the vessel is employed
Prince Kamehameha read the 22d Article, in the second paragraph the word notwithstanding to be removed
It being near 2 o'clock adjourned till Friday at 11 a.m.

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the end of the article, the following: Nothing in the above article shall be so construed as to debar the Courts of either Country from exercising jurisdiction in all cases disturbing the public peace and tranquillity or affecting persons not belonging to the Crown or the nation in whose service the Consul is employed.

Prince [illegible] read the 22 article - In the 2 paragraph the word notwithstanding - to be [illegible].

It being now 2 P M adjourned till Friday at 11 A M.

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Mr Wyllie read the minutes of the 11th -

Prince Kamehameha read the 23d Article

Agreed to change the word consignees to freighters in the English text and to substitute for between in the same line by any of them also for damages read injuries and for encountered read experienced and after Ports insert the words, the repairs of such injuries and after respective make nation plural and to add at foot of the article, "If any of the inhabitants of the country in which the Consuls reside or citizens of a third nation are interested in the matter and the parties cannot agree, the competent local authority shall decide Wheaton page 170.

Prince Kamehameha read the 24th Article Mr Allen read the corresponding Articles of the British and American Treaties. -

The words are foreigners to be changed to do not belong - in place of the words to secure the execution insert in the English translation to carry into effect - in the place of the departure insert exportation & for goods merchandises

To be added at foot - It being understood that in case of any legal claim, upon such wreck, goods or merchandise, the same shall be referred for decision to the competent tribunals of the Country (Wheaton p. 214)

Prince Kamehameha read the 25th Article The words in the English text independently of to be changed to besides, the word each to be either and consented in the 8th line to granted and consented to in the 9

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1856
Conference in the Cabinet, on French Treaty, in the F. Office, on Friday 14 March at 1/2 past 11 A.M.

Present P. Kamehameha
Mr Lee
" Allen
" Wyllie

Mr Wyllie read the minutes of the 11th.

P. Kamehameha read the 23rd Article. Agreed to change the word belonging to fugitives in the English Texts & to substitute for between - in the same line - by any of them also that for damages read injuries & for sustained read experienced - and after Party, insert the words the repairs of such injuries & after the respective - & make nation plural

& to add at foot of the article - "If any inhabitants of the Country in which the Consuls reside, or citizens of a third nation are interested in the matter & the parties can-not agree, the competent local authority shall decide" Wheaton page 172

Prince Kamehameha read the 24th Article. Mr Allen read the corresponding articles of the British & American Treaties.

The words - are foreigners - to be changed to - do not belong - - in place of the words, to secure the execution, insert in the English translation - to carry into effect - in the place of the departure - insert exportation & for goods - merchandize

To be added at foot - It being understood that in case of any legal claim upon such wreck, goods or merchandize, the same shall be referred for decision ~~for decision~~ to the competent tribunals of the Country (Wheaton P. 214)

Prince Kamehameha read the 25th article. The words in the English text - independently of - to be changed to besides - the word and to be - either - & consents, in the 8 line - to - granted - & consented to, in the

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line to - hereafter granted.

Prince Kamehameha read the 26th Article

Mr Lee stated that he would prefer that the Treaty should terminate in all its articles excepting the 1. at the end of 6 years or more in accordance with general usage in which Prince Lot concurred

Agreed that a copy of the English text with all the alterations suggested be copied and to be read at a future meeting.

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line – to hereafter granted –

Prince Kondondow in [illegible] read ~~[illegible]~~ the 26 Article. Mr Lee stated that the treaty should terminate in all its articles, excepting the [illegible], at the end of 12 years, as usual in accordance with general usage, in which Prince Kot concurred.

Agreed that a copy of the English text with all the alterations, suggested be copied out, to be read at a future meeting

1856.

Cabinet Council in the Foreign Office, Wednesday 2d April, at 10 A.m.

Present the King Presiding
Genl Prince Kamehameha
Mr Lee
" Allen
" Wyllie

Mr Wyllie read the Supplement to his Report as Minister of Foreign Relations — his Report as Secretary at War and his Report of the Bureau of Public Improvements, which were approved.

Mr. Lee expressed his individual opinion against the principle of purchasing and of working Steamers on Government account, and predicted that, that the Government would lose money thereby.

Mr. Lee read his Report, which was also approved — likewise a Memorandum for the Kings Speech, touching his Department.

Mr. Wyllie submitted a Memorandum, of 10 heads that might be adverted to. The King asked for a copy.

Afterwards the following Resolutions were passed, viz,

Resolved that Mr. Lee is instructed to thank Lieut Duncan for the offer of his services and to state that in the altered position of the Kingdom, the Kings Government do not require, for the present, a Military Instructor.

Resolved that Mr. Wyllie is instructed to thank Captain Ringold for the offer of his services, and to state that the Kings Government, in the present penury of the Treasury, cannot offer him such a Salary, as would be a consideration for him to enter into the Kings Service.

3 April. Present . . P. Kamehameha.
Mr. Allen and
Mr. Wyllie

Mr. Wyllie read the remainder of the Supplement to his Report for Foreign Relations, from the words "under my charge" to the end

Mr Wyllie read the minutes of 17 November 1855 - his despatch to Mr Gregg No 31 of 17 December and No 5 of 14 Feby also Mr Gregg's despatch No 95 of the 15th instant demanding, as an ultimatum in the name of the U. States, that the Kings Treasury pay $1000 to George Bailey, the propriety of which payment, Mr Gregg says, he is not allowed to discuss

Mr Allen read extracts from Mr Appleton's letter of the 5th March, giving his view of the case

Resolved that Mr Wyllie is instructed to acknowledge courteously Mr Gregg's despatch informing him that it is the pleasure of the King to entrust it to his Chief Justice now absent but expected back in three days, especially as the reference of the question to the U. States government has in some measure surprised the King's government in a state of unpreparedness

The King asked the advice of the Cabinet in regard to making an announcement of his marriage on, or about, the third Thursday of June. This was approved of and a special message was agreed on

Mr Allen asked leave of absence of the King to visit the U. States for a short period for reasons which he explained. The King was pleased to grant permission and to authorize him to make the necessary preparations.

Adjourned until the King's further pleasure

1856
Cabinet Council in Prince Kamehameha's residence Monday 18 May at 10 A M

Present The King presiding
Prince Kamehameha
Mr Allen
" Wyllie

Mr Wyllie read the Minutes of 17 November 1855 - his despatches to Mr Gregg No. 31 of 17 December and No. 5 of 14 Feby - also Mr Gregg's Despatch No 95 of 15th instant, demanding as an ultimatum in the name of the U. States that the Kings Treasury pay $1000 to Grace Bailey, the propriety of which payment, Mr Gregg says, he is not allowed to discuss.

Mr Allen read extracts from Mr Appleton's letter of the 5th March, giving his view of the case.

Resolved that Mr Wyllie is instructed to acknowledge courteously Mr Gregg's Despatch, informing him that it is the pleasure of the King to submit it to his Chief Justice, now absent, but expected back in three days, especially as the reference of this question to the U States Government, has in some measure ~~[illegible]~~placed the Kings Government in a state of unpreparedness.

The King asked the advice of the Cabinet in regard to making an announcement of his marriage on or about the third ~~Wednesday~~ Thursday of June. This was approved of & a Special Message was agreed on.

Mr Allen asked leave of absence of the King to visit the U States for a short period for reasons which he explained. The King was pleased to grant permission & to authorize him to make the ~~necessary preparations~~ make the necessary preparations adjourned until the Kings further pleasure.

Mr Wyllie laid before the King the act he proposed to bring forward to give power to the government to buy back all private rights & titles to portions of the Harbor & Reefs

It was approved with a section suggested by the King that the spirit of the act is permissive and not imperative

Mr Wyllie made known the offer of Mr Bates, to proceed in July (1857), as the special agent of the Kings Govt in the case of Lyman Swan

Resolved that inasmuch as Mr Bates is about to visit San Francisco for his health, the Minister of Fr Relations is authorized to avail himself of such visit and to employ Mr Bates as the agent of this Govt, to receive and bring back to these Islands Lyman Swan, when surrendered by the authorities of the U. States and to draw on the Minister of Finance for his expenses, provided they do not exceed $ 400.

It is understood that this disbursement being for the creditors of Mr Swan, Mr Bates is to endeavour to procure the reimbursement of that amount by them and that this is not to be a precedent for other expenses in this ~~case~~ (or other similar cases)

Mr Wyllie then submitted the following correspondence with the Honorable David L. Gregg viz:
Mr Wyllie's despatch No 70 of 25th October 1855
(read the minutes of 13th December 1855)
last paragraph of Mr Wyllie's No 13 of 13 Dec, 1855
Mr Gregg's No 75 of 18th December
" " " 76 , 20th "

see page 107

1856 Minutes of Cabinet Council in Prince Kamehameha's residence, on Monday 26 May, at 9 A M

Present The King presiding
Prince Kamehameha
Mr Young, Mr Lee
Mr Allen
" Wyllie

Mr Wyllie laid before the King the Act he proposed to bring forward to give power to the Govt to buy back all private rights & titles to portions of the Harbour & Reefs. It was approved with a section suggested by the King, to show that the spirit of the Act is permissive & not compulsory.

Mr Wyllie made known the offer of Mr Bates to proceed in July, as the special Agent, of the King's Govt, in the case of Lyman Swan.

Resolved that inasmuch as Mr Bates is about to visit San Francisco for his health, ~~And~~ the Minister of F. Relations is authorized to avail himself of such visit & to employ Mr Bates as the Agent of this Govt to recover & bring back to this Kingdom Lyman-Swan, when surrendered by the authorities of the U States, and to draw on the Minister of Finance for his expenses provided they do not exceed $400.

It is understood that this disbursement being for the benefit of the creditors of Mr Swan ~~[illegible]~~ Mr Bates is to endeavour to procure the reimbursement of ~~that~~ the amount by them; & that this is not to be a precedent for such expenses in this case (or other similar cases)

Mr Wyllie then submitted the following correspondence with the Honourable David L Gregg esq; Mr Gregg's Despatch No 70 of 25th Octob 1855
(read the minutes of 13 December 1855)
Last paragraph of Mr Wyllie's No 13 of 13 Decr 1855
Mr Gregg's No 75 of 18th December
" " " 76 " 24 "

Mr Wyllie's	No 1	of 1 Jany	1856
" "	" 5	" 14 Feby	"
Mr Gregg's	" 95	" 15 Jany	"
Mr Wyllie's	" 14	" 18 May	"
Mr Gregg's	" 96	" 17 "	"
Mr Wyllie's	" 16	" 21 "	"
Mr Gregg's	" 97	" 21 "	"
Mr Wyllie's	" 18	" 24 "	"
Mr Gregg's	" 98	" 21 "	"
" Wyllie's	" 19	" 24 "	"

Mr Lee objected to Mr. Wyllie's No 16 of the 21 May to Mr Gregg as committing the Government to the acknowledgement of Medical Claims for services during the Small Pox to be just and as conveying a censure upon the Legislature. Mr Wyllie denied that such was a fair construction of his dispatches, or that Mr Gregg would so construe them, Mr Lee moved the following resolution.

"Resolved that the King & Cabinet do not approve of so "much of Mr Wyllie's despatch to Mr Gregg of the 21 "instant relating to the claim of Dr Hardy as intimates "that the King and His Ministers have ever considered "such claim a just one and as may be understood as "conveying a censure upon the Legislature for refusing "to grant the same."

Mr Wyllie doubted the policy of passing to Mr Gregg such a resolution & denied its necessity. Mr Allen wished it to be modified so as to meet the equities of the case, it being undeniable that all the medical men had rendered great services, and that both Houses of the Legislature of 1855 had voted that they should be paid & they were not paid because they split upon the amount to be paid to Dr Lathrop – After some further discussion, Mr Wyllie explained some peculiarities as to Dr Lathrop's –

(Cabinet Council Vol 2 - p 107)

laim & why he had stipulated for payment; a move all further cause of disagreement offered to ges-b is despatches Nos 16 & 19 to Mr Gregg & in lieu thereof to frame a reply in conformity with the views of the King & Cabinet as now declared – This was agreed to.

A resolution to be passed to Mr Gregg and the draft of a despatch relating to his ultimatum, in the case of George Bailey were discussed and finally after several amendments agreed to, subject to the addition of a paragraph relating to Mr Lee's opinion and the offer to Mr Gregg of reparation to Geo. Bailey through the Courts of the country.

Pursuant to the ground taken in the case of Geo. Bailey, Mr Wyllie recommended that, as Mr Allen had obtained leave to visit the U. States he should be charged with the settlement of the case of Geo. Bailey & other complaints also to cooperate with Mr Turrill, as might be necessary to remove obstacles to the Ratification of the special reciprocity convention.

Mr Allen consented to undertake these duties without any stipulation as to remuneration whatever – Mr Lee thought it would not be right to leave Mr Allen without a certainty of being reimbursed for his expenses for the benefit of the government

The following resolutions were passed.

Resolved that the Minister of Foreign Relations is directed to prepare a credential to Mr Allen as the King's Envoy Extraordinary, with the proper instructions

Resolved that all Mr Allen's expenses resulting from the discharge of his duties as such shall be paid out of the King's Treasury according to the accounts to be presented after his return.

It was agreed that Mr Allen should endeavour to leave by the Francis Palmer

Mr Allen proposed that Prince Kamehameha should be charged with his duties as Minister of Finance till his return.

The nomination was approved by the King and

(Cabinet Council Vol 2 – p. 108)

all his Cabinet.

The King ~~ordered~~ asked Mr Wyllie to submit the drafts of his replies to Mr Gregg, conveying to him the views of the Cabinet, as soon as possible, to another early Cabinet Council; but if he did not get back his two acknowledgements to Mr Gregg, he was to pass Mr Lee's Resolution.

His Majesty then adjourned the Cabinet at 2 P.M.

all his Cabinet

The King ordered Mr Wyllie to submit the drafts of his replies to Mr Gregg, conveying to him the views of the Cabinet as soon as possible to another early Cabinet Council, but if he did not get back his two acknowledgements to Mr Gregg, he was to pass Mr Lee's resolution

His Majesty then adjourned the Cabinet at 2 P.M.

See page 112

While waiting for Mr Lee, Mr Wyllie submitted Mr Brinsmade's letter of 8th March last, praying His Majesty to grant to him a Fee Simple title to about a quarter of an acre of land on which stands the obelisk to the memory of his deceased wife.

It pleased the King to recommend the letter to Prince Kamehameha to endeavour to arrange the matter with the owner of the land.

Mr Lee having come in the minutes of yesterday were read, on motion of Mr Lee they were amended by inserting the words _or_ other similar cases, after this case, and approved as amended.

It pleased the King to sign Mr Allen's credential to the President, also, in duplicate, a Commission to Mr Bates as Special Marshal, to proceed to San Francisco _on_ the duty expressed in the minutes of yesterday

Mr Wyllie then submitted Mr Gregg's despatch No 80 of 21 Jany and again his No 19 to Mr Gregg, along with Mr Wyllie's letter to Mr Lee of the 26th, his reply of the same date, which were considered together and finally approved — It was agreed that Mr Allen should have with him the _Cat_ with which George Bailey had been flogged.

The proper instructions to be given to Mr Allen were then discussed and the following 4 resolutions drafted by Mr Lee adopted viz:

Resolved that Mr Wyllie is directed to instruct Mr Allen to represent to the Secretary of State of the United States that the government take the position that the question of reparation to George Bailey, cannot properly be made a diplomatic one until said Bailey has first resorted in vain to the Local Tribunals of the

(see page 113)

1856
Cabinet Council in Prince Kamehameha's
Residence 29th May at 12
Present The King presiding
Prince Kamehameha
Mr Allen
Mr Wyllie

While waiting for Mr Lee, Mr Wyllie submitted Mr Brinsmade's letter of 8 March last praying His Majesty, to grant to him a fee simple title to a quarter of an acre of land on which stands an obelisk to the memory of his deceased wife. It pleased the King to recommend the letter to Prince Kamehameha to endeavour to arrange the matter with the Owner of the Land

Mr Lee having come in, the minutes of yesterday were read; on motion of Mr Lee, they were amended by inserting the words or other similar cases, after this case, and approved as amended.

It pleased the King to sign Mr Allen's credentials to the President - also, in duplicate, a commission, to Mr Bates, as special Marshall, to proceed to San Francisco, on the duty expressed in the Minutes of yesterday

Mr Wyllie then submitted Mr Gregg's Despatch No. 86 of 21 Jany - and again his No 19 to Mr Gregg, along with Mr Wyllie's letter to Mr Lee of the 26 & his reply of same date, which were considered together and finally approved. It was agreed that Mr Allen should take with him the cat with which George Bailey had been flogged

The proper instructions to be given to Mr Allen were then discussed, & the following 11 resolutions drafted by Mr Lee adopted, viz

"Resolved that Mr Wyllie is directed to in-
" -struct Mr Allen to represent to the Secretary
" of State of the United States that the Government
" take the position that the question as regarding
" to George Bailey cannot be properly made a
" Diplomatic one until ~~said~~ Bailey has first
" resorted in vain to the Local Tribunals of the

see page 114

Kingdom for a remedy of his alleged injuries, until he has thus resorted he cannot complain of a refusal of Justice.

2 Resolved that if Mr Marcy should deny this position, which we think impossible, Mr Allen be instructed to ask him if the U.S. are willing to give him a written acknowledgment of the customary principle which shall be applicable to all cases where Hawaiians shall be wrongfully injured in the U. States

3 Resolved that in case Mr Marcy insists on the responsibility of this Govt. before Baily has applied to the Courts of this Kingdom for a redress of his grievances, Mr Allen is authorized to refer the question of such responsibility to arbitration & in case it should be decided that this government is subject to such responsibility to refer to the same Arbitrator or Arbitrators the question what amount the Govt. should pay Bailey under all the circumstances of the case

4 Resolved that in case Mr Marcy will not recede from the ultimatum passed by the U.S. Commissioner and is not willing to arbitrate as prescribed in the 3 Resolutions Mr Allen is instructed to inform Mr Marcy that this government are unable to perceive the justice of the demand and cannot accede to it. In other words, that sooner than yield the principle contended for by this Govt. it would submit to reprisals on the part of the U. States.

Mr Wyllie then submitted the draft of his despatch No 18 to Mr Gregg, which was amended by inserting two paragraphs proposed by Mr Lee, applicable to the cases of Dr. Hardy & Dr Lathrop respectively and by omitting those paragraphs which Mr Wyllie had prepared

Mr Lee introduced Dr Hardy's letter of 29 April 1854 to the Honorable Committee of the House of Representatives and it was agreed that Mr Wyllie enclose copy thereof to Mr Gregg & return the original to Mr Lee.

Mr Wyllie then submitted Mr Perrin's despatch No 6 of the 27th, on the ground of Mr Allen's early departure urging to know if the Treaty negotiated with him & Mr Wyllie, was to be signed according to the resolution of the 13th February, stating that all diplomatic discussion had terminated on the 8th of November and requesting to be notified before the 30th of this month of the present intentions of the King's Government.

Prince Kamehameha asked if Mr Perrin had the right so to inquire - Mr Wyllie stated that Mr Perrin was much excited about the departure of Mr Allen and as the King's order was to him as well as to Mr Wyllie & not to Mr Wyllie alone he thought that was Mr. Perrin's [illegible] (See page 115)

" Kingdom for a remedy of his alleged injuries. Until
" he has thus resorted, he cannot complain of a refusal of
Justice

2" Resolved that if Mr Marcy should deny this position
" which we think impossible, Mr Allen be instructed to ask
" him if the U.S are willing to give him a written acknow-
" -ledgment of the contrary principle, which shall be applica-
ble to all cases where Hawaiians shall be wrongfully
" injured in the U States

3 Resolved that in case Mr Marcy insists on the
responsibility of this Govt, before Bailey has applied to
the Courts of this Kingdom for a redress of his griev-
-ances, Mr Allen is authorized to refer the question of
such responsibility to arbitration; & in case it shall be
decided that this Government is subject to such responsibility
to refer to the same arbitrator or arbitrators the question
what amount the Govt should pay Bailey under all the
circumstances of the case.

4 Resolved that in case Mr Marcy will not recede from the
ultimatum proposed by the U.S Commissioner, & is not willing
to arbitrate as prescribed in the 3 Resolution, Mr Allen
be instructed to inform Mr Marcy that this Govt are un-
-able to perceive the justice of the demand & cannot accede to it.
In other words, that sooner than yield the principle contended for by
this Govt, it would submit to reprisals on the part of the U States.

Mr Wyllie next submitted the draft of his Despatch No 18 to Mr Gregg, which was amended by inserting two paragraphs proposed by Mr Lee, applicable to the cases of Dr Hardy & Dr Lathrop respectively, & by omitting three paragraphs which Mr Wyllie had prepared.

Mr Lee produced Dr Hardy's letter of 29 April 1854 to the Honorable Committee of the House of Representatives; and it was agreed that Mr Wyllie enclose a copy thereof to Mr Gregg & return the original to Mr Lee.

Mr Wyllie then submitted M Perrin's Despatch No 16 of the 27th, on the ground of Mr Allen's early departure, urging to know if the Treaty negotiated with him & Mr Wyllie was to be signed, according to the resolution of the 19 February – stating that all diplomatic discussion had terminated on the 8th of ~~[illegible]~~ November, & requesting to be notified before the 30th of this month of the present intentions of the Kings government.

Prince Kamehameha asked if Mr Perrin had the right so to require. Mr Wyllie stated that Mr Perrin was much excited about the departure of Mr Allen, & as the Kings Person was to him as well as to Mr Wyllie, & not to Mr Wyllie alone, he thought Mr Perrin, was in order to require either the signature of the Treaty, diplomatically or to know what resolution had been taken. Mr Wyllie thought the issue was very simple & that was either to sign the Treaty with all the reserves of the resolution of the 13th February whereby the King & his ministers would lose no prestige & whereby the King's right to ratify or not ratify was becomingly preserved, or to withdraw the authority to sign on some good grounds so as to preserve the dignity of the King & of his ministers and not justify a quarrel with France

Mr Allen suggested a middle course & offered to see Mr Perrin which was approved of.

Mr Wyllie begged that the question should be considered without the pride of person, the love of opposition or the bias of antipathy and with a view solely to the King's highest honor, his greatest safety and the advantage of the nation and above all with a becoming foresight of what the consequences of retrocession in a matter so grave were likely to be, as per 8 serious questions submitted.

It being passed the hour for the House of Nobles it was proposed to adjourn the meeting till tomorrow at 10. a.m. - Mr Lee expressed a wish not to be present, but Mr Wyllie earnestly requested his presence as he had strong opinions on the subject and the decision would involve a responsibility to the Ministers from which there would be no shrinking

It pleased the King to adjourn the Cabinet till 10. a.m. tomorrow.

in order to require either the signature of the Treaty diplomatically, or to know what resolution had been taken. Mr Wyllie thought the offer was very sensible - & that was either to sign the Treaty, with all the reserves of the resolution of the 19 Feby, whereby the King & his Ministers would lose no prestige & whereby the King's right to ratify or not ratify was necessarily preserved - or to withdraw the authority to sign on some good grounds so as to preserve the dignity of the King & of his Ministers & not justify a quarrel with France.

Mr Allen supplied a middle course and offered to see the Person who was appointed of.

Mr Wyllie suggested that the question at issue should be considered, without the pride of opinion, the love of opposition, or the bias of ~~[illegible]~~ antipathy, & rather as a view solely to the King's highest honour, his greatest safety & the advantage of the nation; and above all with a becoming foresight, of what the consequences of retrocession in a matter so grave were likely to be, as per 8 serious questions submitted.

It being past the hour for the House of Nobles, it was proposed ~~pleased the King~~ to adjourn the meeting till tomorrow, at 10 A.M. Mr Lee expressed a wish not to be present, but Mr Wyllie earnestly requested his presence, as he had strong opinions on the subject & the decision would involve a responsibility to the Ministers, from which there would be no shrinking.

It pleased the King to adjourn the Cabinet till 10 A.M tomorrow.

see page 118

Mr Wyllie submitted Mr Boles letter of 29th May expressing his reliance upon the Govt to hold him harmless from any loss under his orders to the District Attorney of the United States to draw upon him at sight for the expenses of Mr Swans arrest

Mr Allen explained matters connected with the state of the revenue respectively and the necessity of a loan.

Mr Lee having come in the minutes of yesterday were read, after explanations to Mr Lee on the general meaning of the last clause, but as a declaration of abstract principles, with no offensive application to any one, were passed

On the subject of Mr Boles letter above mentioned the following answer was drafted by Mr Allen & approved

Mr Wyllie submitted the beginning of a draft of a reply to Mr Perrin up to the point of making known the views of the King & Cabinet, It was agreed that while Mr. Allen & Mr Young went to the House of Nobles, the memo. of Mr. Perrin should be read, Prince Kamehameha consented to read the memorandum.

Mr. Allen proposed to have another meeting with Mr. Perrin upon the subject of the additional article, Mr Wyllie proposed to read the whole protocol,

The King read certain general remarks which he had prepared on the Treaty which were as follows

1st "The object on our part was to procure the withdrawal of the 5 per "cent duty as we conceived that a reduction & also that a "reduction of the duties on brandy & spirits, wines, liquors "might be made as required by France, These objects and "all else that is necessary can be embraced in a few "short articles"

2d "Mr Perrin has not said whether he will accept or not "the amendments proposed by this Government & I think "before he can require any definite action on our part in "regard to the completing of the negotiations, he ought to make "some definite answer to the objections which we have

Council + the amendments (see page 120)

See page 117

1856

Minutes of Cabinet Council in Prince Kamehameha's residence 30th May 1856 at 11 A M

Present The King
Prince Kamehameha
Mr Allen
" Wyllie

~~The minutes of yesterday were read~~

Mr Wyllie submitted Mr Waters letter of the 29th May, expressing his reliance upon the Govt to hold him harmless from any loss under his orders to the District Attorney of the United States to draw upon him, at sight, for the expenses of the Swans arrest.

Mr Allen explained matters connected with the state of the revenue respectively, and the necessity of a Loan.

Mr Lee having come in, the minutes of yesterday were read & after explanations to Mr Lee, on the general meaning of the last clause but as a declaration of abstract principles without any offensive application to any one, were passed.

On the subject of Mr Waters letter above mentioned, the following answer was drafted by Mr Allen, & approved.

Mr Wyllie submitted the beginning of the draft of a reply to Mr Perrin up to the point of making known the views of the King and Cabinet. It was agreed that while Mr Allen & Mr Young went to the House of Nobles, the Mem? of Mr Perrin should be read. Prince Kamehameha consented to read the Memorandum. After it was read, Mr Allen & Mr Young returned.

Mr Allen proposed to have another meeting with Mr Perrin on the subject of the additional articles. Mr Wyllie proposed to read the whole Protocols.

The King read certain general remarks which he had prepared on the treaty ~~generally~~ which were as follows; —

"1st The object on our part was to procure the withdrawal of the 5 per cent duty as we considered that a restriction, & also, in order that a reduction of the duties on brandy and spirituous liquors might be made, as required by France. These objects & all else that is necessary can be embodied in a few short articles."

"2 Mr Perrin has not said whether he will accept or not ~~said whether he will accept or not~~ the amendments proposed by this Government; and I think before he can require any definite action on our part, in regard to the completing of the negotiations he ought to make some definite answer to the objections which we have raised & the amendments

see page 120

"we have proposed.

3 "The Treaty is too long and in my opinion contains subjects which
"are not contained in other Treaties and are irrelevant to
"the objects which were had in view when the negotiations
"were first proposed"

4th "The language of the proposed Treaty is in many instances
"ambiguous and the meaning obscure. In (a)
"document of so much importance to the nation,
"nothing ought to be in, but what is perfectly clear
"& definite".

5th "It is conceded that the meaning of some of the
"provisions is capable of more than one construction
"& where such provisions exist I consider them very
"objectionable, besides what objection can there be in
"saying in the Treaty what is really meant by the
"negotiations and thereby do away with the necessity
"of referring to the Protocols or other outside references"

6th "We are willing to give to France all that is right &
"just in compensation for the proposed release of the
"matter of the duties; but I am not prepared to grant
"all that is required in the 27th Article of the proposed
"Treaty, as by so doing we would be more fettered
"than under the old Treaty and our rights of
"Sovereignty very much lessened".

"These are the main reasons why I cannot
"assent to the signing of the Treaty, as it now
"stands & therefore cannot confirm the permission
"given to our Plenipotentiaries to sign the Treaty.

"The Treaty with the amendments proposed by this
"Government would be greatly improved, although
"it would not be what we should want, but
"until Mr Perrin gives a decided answer as to the
"acceptance or non acceptance of the proposed
"amendments I think we ought to consider as
"pending such answer from the Plenipotentiary of
"France".

Mr Wyllie stated that these views coming from
the King could not otherwise be received, but
with respect, yet as the decision to be made
was one involving great responsibility to all,
but to (C see page 121)

"we have proposed"
"3. The Treaty is too long & in my opinion contains
" subjects which are not contained in other Treaties,
" & are irrelevant to the objects which were had in
" view when the negotiations were first proposed
"4. The language of the proposed Treaty is in many
" instances ambiguous & the meaning obscure. In
" documents of so much importance to the nation
" nothing ought to be in, but what is perfectly
" clear and definite"
"5th It is conceded that the meaning of some of
" the provisions is capable of more than one construc-
" tion & where such provisions exist I consider
" them very objectionable. Besides, what objection
" can there be in saying in the Treaty what is
" really meant by the negotiators & thereby to do
" away with the necessity of referring to the Proto-
-cols or other outside references.
"6. We are willing to grant to France all that is
" right & just, in compensation for the proposed
" release of the matter of the duties; but I am
" not prepared to grant all that is required
" in the 27th article of the proposed Treaty, as by
" so doing we would be more fettered than under
" the old Treaty & our rights of Sovereignty very
" much lessened"

"These are the main reasons why I cannot
" consent to the signing of the Treaty as it now
" stands & therefore I cannot confirm the per-
"-mission given to our Plenipotentiaries to sign
" the Treaty".

"The Treaty with the amendments proposed
" by this Government would be greatly improved,
" although it would not then be what we should
" want; but until Mr Perrin gives us a decisive
" answer, as to the acceptance or non acceptance
" of the proposed amendments, I think we ought to
" consider the negotiation as pending such answer
" from the Plenipotentiary of France"

Mr Wyllie stated that these views coming
from the King, could not otherwise be received
but with respect. Yet as the decision to be made
was one involving great responsibility to all but to

see page 122

him especially, it was his duty to state his views clearly
what Mr Perrin had stated to him & to Mr Allen on the 26th
March, and what M. Perrin had said in his memorandum
were distinct refusals to reopen negotiations or to admit the
amendments submitted to him further than he consented
in his memo. – That memo, was to be considered official
if we received it favorably, if not it would be withdrawn
and substituted by another which was much stronger & as
He read his memo. presented to the King when naming Mr Allen to be a joint
Mr Wyllie understood it, offensive, Plenipotentiary with him & Stated
that in his view the Treaty as negotiated & explained by
the Protocols was in some respects better, perhaps than
any others we had, that where it extends into
details, these were of reciprocal obligation and from their
practical working we had yet to find whether they
were of disadvantage to us or not & finally that he was
of the opinion that the Treaty ought to be signed, that
the whole subject, Protocols, amendments & all
might be properly before the French Government.
Mr Wyllie here read the minutes of the 14 Jany last &
those of the 13th February, showing in the latter how
carefully the King's right of Ratification had been
guarded, that by carrying into effect the
resolution then passed, there was no sacrifice of
the King's dignity, neither was there any doubt but
on the contrary the great advantage of obtaining
through the King's letter to the Emperor what
would be far better than the present Treaty
as negotiated even with the amendments
proposed viz. a Treaty identical with that of England
that the opposite course of receding from the
resolution of 13 February, guarded as it was so
perfectly as to preclude all reasonable excuse
for such retrocession, had all the dangers that
the other course had not & would deprive us
of our last chance of obtaining an identical
Treaty with Great Britain
Mr Lee remarked that now he understood Mr
Wyllie's views but formally he had not as he
had thought Mr Wyllie did not wish the Treaty
to be signed whereas he now found that he
meant Ratification by the King & not signature by
the Plenipotentiaries, He, Mr Lee thought
favorably of the course as now

(see page 124)

him, especially, it was his duty to state his views clearly. What M Perrin had stated to him & to Mr Allen on the 26 March, & what M Perrin had said in his Memorandum, were distinct refusals to reopen negotiations, or to admit the Amendments submitted to him, further than as he consented in his Memo. – That Memo was to be considered official, if we received it favorably; if not, it would be withdrawn & substituted by another, which was much stronger, & as Mr Wyllie read his Memo. presented to the King when asking Mr Allen to be a joint Wyllie understood it otherwise, that in his view the Treaty as negotiated & explained by the Protocols was in some respects better, perhaps than any other we had; that when it entered into details, these were of reciprocal obligation & from their practical working we had yet to find whether they were of disadvantage to us or not; & finally that he was of opinion that the Treaty ought to be signed, that the whole subject, Protocols, amendments & all, might be properly before the French Government. Mr Wyllie here read the minutes of the 14 January last & those of the 13th February, showing in the latter, how carefully the Kings rights of Ratification had been guarded; that by carrying into effect the Resolution then passed, there was no sacrifice of the King's dignity, neither was there any danger; but on the contrary the great advantage of obtaining through the King's letter to the Emperor, what would be far better than ~~either~~ the present treaty, as negotiated, or with the amendments proposed; viz, a Treaty identical with that of England; that the opposite course of receding from the resolution of 13 February – guarded as it was so perfectly as to preclude all reasonable excuse for such delay retrocession, had all the dangers that the other course had not, & would deprive us deprecate of our last chance of obtaining an identical Treaty with Great Britain.

The K.G. remarked that now he understood Mr Wyllie's views, but formerly he had not, as he had thought Mr Wyllie did not wish the Treaty to be signed, whereas he now found, that he meant Ratification by the King, & not Signature by the Plenipotentiary. The Premier thought favorably of the course as now

see page 124

explained, if a proper letter for the Emperor could be agreed upon. After this was done Dr Judd moved the following Resolution;—

"Resolved that Mr Wyllie is instructed to prepare the draft of a letter from the King to the Emperor to accompany the new Treaty, in case it shall be signed – stating the general object of the King in authorizing negotiations for a new Treaty with France to have been to obtain a release from the restrictions of 5 per cent duty imposed by the VI article of the Treaty of 1846, and beyond that ~~in all respects~~ to obtain a Treaty in all respects identical with that of Great Britain – that the present treaty does not meet that object or accord with his instructions to procure a uniformity with his own foreign treaties & that therefore he cannot ratify the Treaty in its present form. Moreover, stating that the Treaty would not please him even with the amendments suggested, but that if it please the Emperor to accede to those amendments, the King will feel bound to ratify a Treaty containing such amendments – and also stating such further points & principles as may strengthen the Kings position – to be submitted to an adjourned meeting of the Cabinet to be holden on Monday next."

Mr Wyllie stated that that resolution and the general remarks of the King, agreed so fully with the main views, he had always entertained, that he wished Dr Judd would also prepare a Draft, believing that between his & Mr Wyllie's little difference would be found. Dr Judd suggested that the King himself & Mr Allen should also prepare drafts. Mr Wyllie thought the alliance between France & England, & their concurrence in protecting this Kingdom from foreign aggression, as well the identity of the Treaties of 26 March 1846 & the promise of Mr Guizot to the Earl of Aberdeen, as well as the Kings original instructions of 23d

see page 123

explained, if a proper letter for the Emperor could be agreed upon — With this view Mr Lee presented the following resolution:—

"Resolved that Mr Wyllie be instructed to prepare the draft of "a letter from the King to the Emperor to accompany the new "Treaty, in case it shall be signed, stating the grand object "of the King in authorizing negotiations for a new Treaty "with France to have been to obtain a release from the "restrictions of 5 per cent duty imposed by the VI Article "of the Treaty of 1846 and beyond that to obtain a Treaty "in all respects identical with that of Great Britain, that "the present Treaty does not meet that object in accord "with his instructions to procure a uniformity with his "other foreign Treaties, & that therefore he cannot "ratify this Treaty in its present form, moreover "stating that the Treaty would not release him even "with the amendments suggested, but that if it "please the Emperor to accede to these amendments, "the King will feel bound to ratify a Treaty containing "such amendments, and also stating such further "points & principles as may strengthen the King's "position — to be submitted to an adjourned "meeting of the Cabinet to be holden on Monday next."

Mr Wyllie stated that that resolution and the general remarks of the King agreed so fully with the main views he had always entertained that he wished Mr Lee would also prepare a draft believing that between his & Mr Wyllie's little difference would be found, Mr Lee suggested that the King himself & Mr Allen should also prepare drafts — Mr Wyllie thought in the alliance between France & England & their concurrence in protecting this Kingdom from foreign aggression as well the identity of the Treaties of 26 March 1846. and the promise of Mr Guizot to the Earl of Aberdeen as well as the King's original instructions of &c

(see page 126)

July 1855, all combined to induce the French Government to admit the principle of identity, provided we took advantage of them & did not recede from the Resolution of 13 February. Mr Wyllie read part of Mr Dillon's letter of 12th 1848, marked particuliere which explained M Guizot's promise.

Mr Wyllie then submitted Consul General Miller's Despatch No 49 of 28th March last, with Mr Wyllie's reply No 6 of 8th May — & also, Consul General Miller's communication of 23 May, complaining of injustice to British Interests, under the Act raising the duties on certain goods to 15 per cent. Nothing was decided upon in regard to the questions raised by the Consul General from want of time: and it pleased the King to adjourn the Cabinet till Monday at 9 A.M.

July 1855, all combined to induce the French Government to admit the principle of identity, provided we took advantage of them and did not recede from the Resolution of 13 February — Mr Wyllie read part of Mr. Dillon's letter of 12th 1848 particuliere which explained M. Guizot's promise.

Mr Wyllie then submitted Consul General Miller's despatch of 28th March last with Mr Wyllie's reply No 6 of 8th May & also Consul General Miller's communication of 23d May, complaining of injustice to British Interests under the act revising the duties on certain goods to 15 per cent — Nothing was resolved upon in regard to the questions raised by the Consul General for want of time and it pleased the King to adjourn the Cabinet till Monday at 9 a.m.

see page 128

The minutes of the 30th were read.

Mr. Wyllie in further illustration of the uniformity with which the principle of uniformity in the King's Foreign Treaties read the offer he had made to M. Perrin on the 31st July 1857 of a Treaty identical with the British Treaty of 10th July 1857 or of a Treaty identical with that with the U. States of 20th December 1849 (see No 1 p. 49 appendix to Report for 1852) his despatch of 19th July 1852 repeating these offers and similarly offering an identical Treaty with that of Sweden of 1st July 1852 (see No 6 P. 129 appendix to Report of 1853) and extracts from his despatch of 1st November 1852 also to Mr Perrin requesting him to bring back a Treaty in conformity with those with the U. States, Great Britain or Sweden. A long discussion then ensued on the letter to be addressed by the King to the Emperor along with the Treaty to be signed in conformity with the Resolution of 13th February last. Various amendments were suggested and adopted and at last it was agreed to leave out any amendments suggested by this government and to forward only the Treaty as negotiated, with the Protocols subject to the following resolution, viz:

"Resolved that Mr. Wyllie & Mr Allen be authorized
"to sign the projet of a Treaty with France, provided
"they append to each of the signatures the following words
"Subject to the King's ratification & for the purpose of
"reference to the Emperor, according to the King's
"letter of this date presented herewith".

This after a long discussion was agreed to. It was agreed that the King's letter should be ready tomorrow morning that Mr Allen & Mr Wyllie might have a meeting with M. Perrin tomorrow evening.

In regard to Mr Allen's departure, Mr Lee moved the following resolution viz:

"Resolved that the King & Cabinet consider
"it of the

(See page 130)

See page 117

1856
Cabinet Council in Prince Kameha-meha's residence, on Monday the 2 June, at 12 - Present the King presiding

Prince Kamehameha
Mr Lee
Mr Allen
" Wyllie

The minutes of the 30th were read

Mr Wyllie in further illustration of the uniformity with which the principle of uniformity in the King's Foreign Treaties, read the offer he had made to Mr Perrin on the 31 July 1851, of a Treaty identical with the British Treaty of 10th July 1851 - or of ~~the~~ a Treaty identical with that with the U. States of 20th Decr 1849 (See No 1 P. 44 Appendix to Report for 1852) - his despatch of 19th July 1852, repeating those offers & similarly offering an identical Treaty with that of Sweden of 1 July 1852 (See No 6 P 129 Appendix to Report of 1853) and extracts from his despatch of 1 November 1852, also to Mr Perrin requesting him to bring back a Treaty, in conformity with those with the U. States, ~~Sweden~~ Great Britain or Sweden. A long discussion then ensued, on the letter to be addressed by the King to the Emperor along with the Treaty to be signed in conformity with the Resolution of 13 February last. Various amendments were suggested & adopted; & at last it was agreed to leave out any reference to the amendments suggested by this Government, & to forward only the Treaty as negotiated, with the Protocols, subject to the following resolution, viz

"Resolved that Mr Wyllie and Mr Allen be
" authorized to sign the projet of a Treaty with
" France provided they append to each of their
" signatures the following words - 'Subject to the
" King's ratification & for the purpose of reference
" to the Emperor, according to the King's letter of this
" date presented herewith"

This after a long discussion was agreed ~~upon~~ to. It was agreed that the King's letter should be ready tomorrow morning that Mr Allen & Mr Wyllie might have a meeting with Mr Perrin, tomorrow evening.

In regard to Mr Allen's departure, Mr Lee moved the following Resolution, viz: -

" Resolved that the King & Cabinet consider it of the

" highest importance that Mr Allen should sail in the
" Palmer on the 6th inst, & that Mr Wyllie be instructed
" to use his best efforts to get the case of George
" Bailey ready for him in season for such sailing."

Mr Wyllie then submitted Mr Gregg's Despatches No 100 No 101 & No 102 with one enclosure; & the unfriendly tone of the despatches, so contrary to our good feeling towards him & the U States, was much regretted. In regard to No. 102, Mr Wyllie was instructed to ask of Mr Allen a written explanation of Mr Gregg's note & what passed on the 17th of October & in what other terms to reply to Mr Gregg. No 102 was considered as admitting of some delay it being already 1 PM & the King was pleased to adjourn the Cabinet Council, till his further pleasure

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"highest importance that Mr Allen should sail in the
"Palmer on the 6th inst & that Mr Wyllie be
"instructed to use his best efforts to get the
"Case of George Bailey ready for him in
season for such sailing".

Mr Wyllie then submitted Mr Gregg's despatches No 100, No 101, & No 102 with one enclosure, the unfriendly tone of the despatches, so contrary to our good feelings towards him & the U. States was much regretted. In regard to No 102 Mr Wyllie was instructed to ask of Mr Allen a written explanation of Mr Gregg's note & what passed on the 17th of Octbr & in what other terms to reply to Mr Gregg. No 102 was considered as admitting of some delay, it being already 1 PM & the King was pleased to adjourn the Cabinet Council till his further pleasure.

See page 132

Mr. Wyllie read that part of the Minutes of the 28th February that relate to the Appropriation Bill for the Military –

A discussion took place on what Military force is necessary. Prince Kamehameha declared that he could not reduce his force, but he would try and reduce the pay of his men, After further discussion it was finally agreed upon (Prince Lot dissenting) that the King is advised to sign the Appropriation Bill as it now stands, with the understanding that after a fair trial, it be found that the appropriation of $ 3[illegible],000 for the Military be insufficient, the Cabinet will take the responsibility of providing for any deficiency and submitting the question of such deficiency to the next Legislature.

The King said he would be ready to prorogue the Legislature tomorrow at 11, if the two Houses were ready – Agreed to ascertain if they would be ready & to notify His Majesty accordingly – Mr Wyllie was about to submit a draft of (a) speech for prorogation, but before it could be prepared the Privy Councillors had assembled & it pleased the King to adjourn the Cabinet for the P. Council, at 11 a.m.

See page 131

1856

Cabinet Council of Emergency in Prince Kamehameha's residence Monday 9th June 1856

Present The King presiding P. Kamehameha
Mr Lee Mr Young
" Wyllie

Mr Wyllie read that part of the Minutes of the 28 February that relate to the Appropriation Bill for ~~the~~ military, A discussion took place on what military force is necessary. Prince Kamehameha declared that he could not reduce his force, but he would try to reduce the pay of his men. After further discussion it was finally agreed upon (Prince Lot dissenting) that the King is advised to sign the Appropriation Bill as it now stands, under the understanding that if, after a fair trial, it be found that the appropriation of $30,000 for the military be insufficient, the Cabinet will take the responsibility of providing for any deficiency and submitting the question of such deficiency to the next Legislature.

The King said he would be ready to prorogue the Legislature tomorrow at 12, if the two Houses were ready. Agreed to ascertain if they would be ready & to notify His Majesty accordingly. Mr Wyllie was asked to submit a draft of Speech for prorogation; but before it could be prepared, the Privy Councillors had assembled, & it pleased the King to adjourn the Cabinet for the P. Council, at 11 A M on page 134

Mr Wyllie read the minutes of the Cabinet meetings of the 2d + 9th June; he then read the memorandum of the conference between M. Perrin + Mr Allen + himself on Wednesday the 4th June, lasting for five hours and ending in M. Perrin's acceptance of the King's letter of the 3d to the Emperor + the signature pro-forma of the Hawaiian, French and English texts of the Projet of a New Treaty, Mr Allen + Mr Wyllie adding under their respective signatures, the words, Resolved upon in the Cabinet Council of the 2d - A copy of the French + English texts so signed was produced, also a copy of the two alternatives in place of the 3d Article which had been prepared, as requested by the King, Then the following resolution was discussed + passed.

(See Resolution opposite)

Mr Wyllie submitted M. Perrin's despatch No 12 of the 7th instant, expressing a desire that the King's letter to the Emperor should be favorably received by His Majesty and suggested with that view that it should be signed by the Kuhina Nui + countersigned by the Minister of Foreign Relations, so as to conform to articles 30 + 31 of the Constitution.

It was agreed that the letter should be so countersigned and the desire expressed by M. Perrin

(see page 135)

1856

Cabinet Council in Prince Kamehameha's residence
Tuesday 10th June at ½ past 9 AM
Present The King presiding
Prince Kamehameha
Mr Wyllie

Mr Wyllie read the minutes of the Cabinet Meeting of the 2 & 9th June. He then read the memorandum of the conference between Mr Perrin & Mr Allen & himself on Wednesday the 4th June, lasting for five hours and ending in Mr Perrin's reception of the King's letter of the 3d to the Emperor & the signature *pro-forma* of the Hawaiian, French & English Texts of the Projet of a new Treaty, Mr Allen & Mr Wyllie adding under their respective signatures the words resolved upon in the Cabinet Council of the 2d. A copy of the French & English Texts so signed was produced: also a copy of the 2 alternatives, in place of the 3 Articles, which had been prepared as required by the King. Then the following Resolution was discussed & passed:—

Resolved – That Mr Wyllie be instructed to send a copy of the King's autograph letter to the Emperor of France, to the Earl of Clarendon, together with copies of such other Documents as may be proper, requesting his good offices in procuring a Treaty with France which shall be identical with the present Treaty with Great Britain, or in procuring New Treaties with these two countries which shall be identical, it being distinctly stated that any such new treaties shall be the subject of Ratification here. In other words, that the King will not feel bound to ratify any identical treaty England and France may agree upon, unless it meets his approval.

Mr Wyllie submitted Mr Perrin's Despatch No 12 of 9th instant, expressing a desire that the King's letter to the Emperor should be personally received by His Majesty & suggesting, at the same time that it should be signed by the Kuhina Nui, & countersigned by the Minister of Foreign Relations so as to conform to articles 43 & 45th of the Constitution.

It was agreed that the letter should be so countersigned; & the desire expressed by Mr Perrin's

see page 136

was considered a pledge that he would recommend the Kings letter to his Imperial Majesty

Mr Wyllie submitted Mr Gregg's despatch No 102 of the 21st ulto #(a) discussion took place upon it, with reference to the Report of the Committee to the last Legislature on the claims of all the medical men, in which they denied the liability of the Government for the claims & suggested their payment as a mere matter of equity — Mr Wyllie said he had never seen that report — It was agreed that Mr Wyllie should have a copy of it before replying to Mr Gregg & that in his reply, he should embody the following in the name of the King & Cabinet viz:

(see opposite)

was considered a pledge that he would recom-mend the King's letter to his Imperial master

Mr Wyllie submitted Mr Gregg's Despatch No 102 of 24th ulto. A discussion took place upon it, with reference to the Report of the Committee to the last Legislature, on the claims of all the Medical Men, in which they denied the liability of the Government for these claims & suggested their payment as a mere matter of equity. Mr Wyllie said he had never seen that Report. It was agreed that Mr Wyllie should have a copy of it, before replying to Mr Gregg; & that in his reply, he should embody the following in the name of the King & Cabinet, viz

In the opinion of His Majesty's Government the claim of Dr Hardy is totally unfounded. He volunteered his services in the time of pestilence and national calamity when every citizen as especially every Medical Man is called upon by motives of humanity as well as duty to the public to exert himself to the utmost to alleviate the sufferings of the sick and stay the ravages of disease. For such services it is not customary in the United States or in any other country to make a demand for compensation; but on the contrary, it is a just cause of pride with medical men that such services and sacrifices for the public weal are made from far nobler considerations than those of mere pecuniary reward. It was in this light that Dr Hardy viewed the subject during the pestilence and for a long time after; and when Dr Lathrop presented his claim to the Legislature in 1854, for services rendered during the prevalence of the small pox, Dr Hardy expressed his surprise and indignation. Moreover, when the Legislature of 1854, requested to know of Dr Hardy if he had any claims against the Government for services, he replied that he had been paid for all of his medicines, and had

no charge against the Government. He well knew the sense in which his letter was received and understood by the House of Representatives, and his declaration that, by saying he had no charge against the Government he did not intend to be understood as having no claim against it, appears to be contrary to the facts, and not to deserve consideration. In conversation with Members of the Legislature and others he repeatedly stated that he had no claim whatever against this Government, and it was not until he saw that Dr Lathrop had pressed his claim upon the Legislature with some prospect of success, that he even entertained the idea of setting up his own demand. When making out his bills from time to time against the Health Commission for medicines furnished from his drug store, he stated that he made no claim for his personal services, and therefore intended to charge a sufficient profit on such medicines to compensate him for such services — The bills were made out accordingly —

In reference to the claim of Dr Lathrop, His Majesty Government are clearly of the opinion that it is an invalid one, he never had any contract with this Government, or any of its authorized agents for a compensation of his services. But it is alleged that he may set up a quantum meruit claim for his voluntary services rendered to the sick and dying, but if he may do so, which no doubt, certainly his claim cannot be brought against the body politic, but must be prosecuted against the individuals to whom such services were rendered, or in case of death against their respective representatives. The Government never

Encouraged the slightest expectation on the part of Dr Lathrop that he was to receive pay for services, which it was his duty to render from motives of humanity as well as interest - The pestilence was a national calamity, which threatened to depopulate Honolulu and destroy its business, and all classes of foreigners, who were exempt from the disease, freely volunteered their gratuitous services to battle with the destroyer. But as Dr Lathrop alleges a Contract with the Government for his services, the Government are willing to renew the offer to refer the question of the existence of such a Contract to arbitration, and in case the issue of contract or no Contract is found in the affirmation to refer ~~it~~ to the same tribunal the question of the amount to which he is entitled - Beyond this they cannot go.

See page 142

Mr Wyllie explained the readiness of the London Postmaster General to receive closed mail bags from the Honolulu Post-office and send them from London closed to Honolulu via the U. States, we accounting for the transit postage due to the latter and the Hawaiian Postmaster charging only the Hawaiian Postage to San Francisco. It was agreed to accept the offer made & instruct the Postmaster of Honolulu accordingly

The deficiency in the Kings Treasury was considered It was resolved to endeavour to raise immediately $50,000 on Exchequer Bills. Mr Wyllie was directed to prepare drafts of the proper documents for submission to Prince Kamehameha as Acting Minister of Finance

Mr Wyllie submitted Mr Bates' letter of the 3d June complaining of the possible insufficiency of the $400 to cover all the expenses he might have to pay for the extradition of Lyman Swan. Mr Lee referred to the 14th Article of the Treaty with the United States it being evident that the Government was liable for expenses in such a case, it was agreed that Mr Wyllie should reply to Mr Bates that if his necessary expenses should exceed the $400 he should present an account of the whole with corresponding vouchers & that the Govt would take the same into their equitable consideration.

Mr Wyllie explained the readiness of the English Post-master General, to receive closed mail bags from the Honolulu Post office & send them from England closed to Honolulu, via the U States, he accounting for the transit postage due to the latter, & the Hawaiian Postmaster charging only the Hawaiian Postage to San Francisco; & it was agreed to accept the offer made & instruct the Postmaster of Honolulu accordingly.

The deficiency in the Kings Treasury was considered & it was resolved to endeavour to raise immediately $50,000 on Exchequer Bills. Mr Wyllie was directed to prepare drafts of the proper documents for submission to Prince Kamehameha as acting Minister of Finance.

Mr Wyllie submitted Mr Bates letter of the 3d June complaining of the probable insufficiency of the $1000 to cover all the expenses he might have to pay for the extradition of Lyman Swan. Mr Lee referred to the 14 Article of the Treaty with the United States; it being evident that the Govt was liable for expenses in such a case, it was agreed that Mr Wyllie should reply to Mr Bates, that if his necessary expenses should exceed the $1000, he should present an account of the whole with corresponding vouchers & that the Govt would take the same into their equitable consideration

Cabinet Council. Palace at 11. AM. 30th June 1856.
Present The King
Prince Kamehameha
Mr Wyllie

Prince Kamehameha submitted the question whether certain new Salaries sanctioned in the Appropriation Bill were to commence from its date or from the 31 March 1856

It was agreed that as the Appropriation bill provides for each of such Salaries a sum sufficient for 2 years, counting from 31 March 1856, the intention of the Legislature was obviously that they should be paid from that date.

1856

Cabinet Council in the Library Palace. Monday 28th July 1856 at ½ past 9 A.M.
Present The King presiding
Prince Kamehameha
Mr Lee
Mr Wyllie

The minutes of the Cabinet Conferences of the 27th May - 4th - 11 - 25 + 30 June + 18 July were read

Prince Kamehameha acting Minister of Finance, explained the present state of the Treasury, on a written statement prepared by Mr Mc Laughlin. Mr Wyllie's abstract was read. The following resolutions were proposed

1.

Resolved that until after the 1st of August, when it will be known what Tenders are made for Exchequer Bills, it would be imprudent to suspend public works in progress. approved.

2.

Resolved that if the Tenders for Exchequer Bills should fall short of the $50,000 advertised for, the difference so far as possible be made up, by paying Exchequer bills, in lieu of Cash for Salaries to such Government officers as will accept such Exchequer Bills. approved

3

Resolved that in the present state of the Treasury, it is indispensable to suspend all works of public improvement, excepting the following, viz:

The Dredging of the Harbour, and particularly the deepening of the Bar at the entrance.
The Repairs of Wharves
The Repairs of Hydrants and Reservoirs.
Such Repairs as may be required to secure an adequate supply of Water by the Main pipe leading down Nuuanu Road, for the Shipping and the City.
The completion of Oahu Prison. ~~&~~
(To be postponed) The demolition of the Fort
The erection of a New Powder Magazine,
The erection of a New Barracks
The supply of Water for Lahaina; and if there be no cash,

4

Resolved that so ~~soon~~ as possible after the King's return from his tour, His Majesty with the advice and assistance of His Cabinet will take into careful consideration what reductions can be made in the public Expenditures

5th

Resolved, that as all the vessels and Machinery, for the Dredging of the Harbor, are now ready (except the Propeller which will be launched this week) and as every thing so far, appears well adapted to perform the work, a preference for the present, is to be given to the Dredging of the Harbor, and the filling up of the Reef on the left-hand side, looking seawards approved.

6th

Resolved that Mr Wyllie is directed to instruct Mr Allen to settle with Mr Osgood for the balance of $1400- reserved on his contract, the good faith of the Government being interested in that payment. approved

7th

Resolved that Mr Wyllie is directed to instruct Mr Allen, not to purchase or contract for a steam vessel, but to instruct him to procure estimates of what a proper Steamer will cost, merely for information

8th

Resolved that the Minister of the Interior is directed to appoint no Supervisor of Roads, who will not engage to construct them, on the plain common sense principles recommended by Mr Webster not necessary

Mr Lee suggested the propriety of appointing Commissioners of Ways.

The following were recommended
James F. B. Marshall Esquire
Mr Marsh
" Kalama.

Mr Wyllie submitted to the King Mr Manley Hopkins dispatch of   and his minutes of the conference with the Earl of Clarendon, also Mr Wyllie's dispatch to Mr Jarves about the $873.71 cents and the draft of an improvement of Postal arrangements of 4th August prepared for the Postmaster General and made known the felicitations to the King + Queen of Mr Eldredge, Mr Bayerbach, Mr St. Julian, Mr Livingston, Mr Hopkins, Mr Vidal, Mr Ogden, Mr Angel, Mr Bunker, Sir Geo Simpson, the Baron de Thiennes, Mr Gossler, Mr Muller, also Mr Atkinson & Miss Long - The King instructed Mr Wyllie to make the usual acknowledgements in such cases of congratulation.

The King ordered Mr Neilson to bring, at Mr Wyllie's request, the Report on Small Pox Claims that had been submitted to the last Legislature, which Mr Neilson did.

The King adjourned the Council, but without prejudice to Cabinet Conferences, till after his return from his tour -

(Cabinet Council, Vol 2 - p. 144 B.)

See page 146

The minutes of the 7th August and of the 28th July were read.

P. Kamehameha, as Acting Minister of Finance submitted a statement of the state of the Treasury prepared by Mr McCaughtry – Mr Wyllie submitted a table of all the money drawn for by him and an account prepared by Mr McCaughtry of $7.150 Exchequer Bills issued up to this date of which all but $150 at 12 per cent per annum all the rest was at 18 per cent per annum.

P. Kamehameha submitted a prospective estimate of Revenue prospectively from 22 October 1856 to 1 April 1857 amounting in all to $164,003.50
also estimate (repeated) of regular & certain
expenditures amounting to —— 167.687.
besides 700 to Mr Lee
4528.10 to Department of War 5228.10
172.915-15
164.003.50
Deficit 8.911.65

Mr Lee moved, P. Kamehameha second that Mr Wyllie is authorized to instruct Mr Allen to borrow on
Loan 150,000,
less 7,150
amount of Exchequer Bills issued up to this date
This was approved of by the King

Resolved that the Minister of Finance is instructed to suspend all payments of any kind excepting for current weekly expenses, for the Propeller & Dredge Boat the allowance to the Kings Purveyor for current expenses, the $82 due to Mr Turrill as per his letter to Mr Lee of 23 August until the $4,462.50 due to the Estate of Mr Reynolds be paid

Resolved that the Minister of Finance is authorized to borrow any funds that the Board of Education may be willing to loan the Treasury & to issue Exchequer Bills therefore bearing interest at the rate of 12 per cent per annum.

(See page 147)

1856
Cabinet Council - 4 November 1856
Present the King presiding
P. Kamehameha the Gov
the Wyllie

The minutes of the 1 of the August & of the 28 July were read

P. Kamehameha, as acting Minister of Finance, submitted a statement of the State of the Treasury prepared by Mr McLaughlin

Mr Wyllie submitted a table of all the money drawn for by him - also an account prepared by Mr McLaughlin of $7,150 Exchequer Bills issued up to this date, of which all but $150 at 12 per cent per annum, all the rest was at 18 per cent per annum.

P Kamehameha submitted a prospective statement of Revenue prospectively from 22 Octr 1856 to 1 April 1857 amounting in all to $164,003.50 also an estimate estimate of regular & certain expenditures amounting to — $167,687.

expenditures amounting to	$167,687.
besides 700 to the Gov	
besides 4528-15 to Department of the [illegible]	$5228-15
	172915-15
	164,003-50
Deficit —	$8911-65

The Gov moved, & P Kamehameha seconded that the Wyllie is ~~authorized~~ authorized [illegible] from Abner to borrow, on [illegible] $150,000 also 7,150 amount of Exchequer Bills issued up to this date. This was approved of by the King.

Resolved that the Minister of Finance is instructed to suspend all payments of any kind, excepting the amount weekly advanced for the Propeller & dredge Boat - & the allowance to the King's Purveyor, the amount advanced to this date, the $4462-50 due to the Estate of the Regent? be paid.
$182 due to Mr Burnett on his salary to [illegible] 323 [illegible]

Resolved that the Minister of Finance is authorized to borrow any funds that the Board of Education may be willing to loan the Treasury & to issue Exchequer Bills therefore bearing interest at the rate of 12 per cent per annum.

See page 148

Mr Wyllie submitted Mr Gregg's No 110 of the 13th October with enclosures, on which the following motion was passed

Resolved in view of Mr Gregg's despatch 110 of 13 October that whereas all the Physicians & Surgeons residing in Honolulu & generally through the Islands are by such residences, by their domicile and by the locality of the exercise of their profession under allegiance to and within the jurisdiction of the King, and whereas their claims for compensation for services rendered during the Small Pox, whether founded on law or equity cannot be adjudicated upon or decided by the Government of any Foreign Country of which any of such Physicians or Surgeons may be a native, the Minister of Foreign Relations in replying to the said dispatch of the Honorable Commissioner of the United States is directed to say that the King's Government cannot make themselves a party to this intended submission to the Government of the United States of the claims adduced by Dr Hardy & Dr Lathrop, because in so doing they would virtually abandon their own right of jurisdiction as the Executive of a Sovereign & Independent State.

That Mr Wyllie's reply is to be submitted to the King & Cabinet at a future meeting

Mr Wyllie stated that he, the more readily acquiesced in this, that he desired to avoid the objections stated by Mr Lee at the Cabinet meeting of the 26th May which he had yielded to at the time for the sake of peace, and requested Mr Gregg to return his despatches although he (Mr Wyllie) believed then & now believes that they involved no committal of the Govt, no censure of the Legislature and were only expressive of a desire on behalf of this Govt, to do justice as might become apparent after due investigation

(See page 149)

see page 147

Mr Wyllie submitted the Despatch No. 116 of 13th Octr with indorsement: on which the following resolution was passed; —

"Resolved, in view of the Despatch No. 116 of 13 Octr, that whereas all the Physicians and Surgeons residing in Honolulu and generally throughout the Islands are, by their residence, by their domicile, and by the locality of the exercise of their profession, under allegiance to and within the jurisdiction of the King; and whereas the claims for compensation for services rendered during the prevalence of Small Pox, whether founded on law or equity cannot be ~~ad~~ prejudiced upon or decided adjudicated by the Government of any foreign Country of which any of such Physicians or Surgeons may be a native, the Minister of Foreign Relations in replying to the said Despatch of the Hon Commissioner of the United States is directed to say that the King's Government cannot make themselves a party to his intended submission to the Government of the United States, of the claims addressed by Dr Hardy & Dr Lathrop, because in so doing, they would virtually abandon their own right of jurisdiction, as the Executive of a Sovereign & Independent State.

Mr Wyllie's Reply is to be submitted to the King & Cabinet, at a future meeting, when Mr Lee should be present

Mr Wyllie stated, he, the more readily acquiesced in this, that he desired to avoid the objections stated by Mr Lee at the Cabinet Meeting of the 26th May, which he had yielded to at the time, for the sake of peace, & requested Mr Gregg to return his Dispatches, although he (Mr Wyllie) believed then - & now believes that they involved no committal of this Govt. - no censure of its Legislature & were only expressive of a desire on behalf of this Govt, to do justice, as might become apparent, after due investigation

see page 150

Mr Wyllie submitted Mr Gregg's No 107 of 30th July, in regard to which the following resolution was passed

Resolved with reference to the wishes expressed by Mr Gregg in his No 107 of 30th July last and to Mr Wyllie's reply of 2 September, that the King's Government cannot take cognizance of or consider as properly diplomatic the unofficial correspondence commenced by the Honorable Commissioner of the United States on the 1st October 1855 on questions by him stated in regard to Mr Wyllie's report as Minister of Foreign Relations, so far as it relates to Commodore Jones to the Legislature of this Kingdom, which unofficial correspondence consisting, as appears, of forty one pages by Mr Gregg and nine pages by Mr Wyllie, has been continued from that date up to the 2 September 1856, but that that correspondence is strictly a personal one between the two parties, to be conducted by Mr Wyllie in the same character as begun by Mr Gregg on his own responsibility.

As Mr Gregg has undertaken, it seems, to print his last communication No 107 as official & as whether with or without his permission, it has been privately circulated in this community & placed in the hands of Foreign Representatives, Mr Wyllie retains the right of reply, unofficially, and similarly to print & circulate such reply, but at his own expense, & not under the responsibility of the King's Government,

Mr Wyllie added that having great respect for Mr Gregg & not wishing to hurt his feelings, altho he certainly would prepare a reply, he would most likely not send it nor print it, unless Mr Gregg's No 107 should appear in some newspaper. He stated his belief that Mr Gregg had been misled by St. Reynolds & Mr Judd.

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Mr Wyllie submitted Mr Gregg's No 107 of 30th July, in regard to which the following resolution was passed.

"Resolved with reference to the views expressed by Mr Gregg in his No 107 of 30th July last and to Mr Wyllie's reply of 2 September, that the King's Government cannot take cognizance of or consider as properly Diplomatic, the unofficial correspondence commenced by the Hon. Commissioner of the United States, on the 1st of October 1855, on questions by him stated in regard to Mr Wyllie's Report, as Minister of Foreign Relations - so far as it relates to Commodore Jones - to the Legislature of this Kingdom, which unofficial correspondence consisting, as appears of forty one pages by Mr Gregg and nine pages by Mr Wyllie, has been continued from that date up to the 2d of September 1856 - but that that correspondence is strictly a personal one between the two parties, to be concluded by Mr Wyllie, in the same character as begun by Mr Gregg, on his own responsibility.

As Mr Gregg has undertaken, it seems, to print his last communication No 107, as official, & as, whether with or without his permission, it has been privately circulated in this Community & placed in the hands of Foreign Representatives, Mr Wyllie retains the right of reply, unofficially and similarly, to print & circulate that reply, but at his own expense & not under the responsibility of the King's Government.

Mr Wyllie added that having great respect for Mr Gregg & not wishing to hurt his feelings, altho' he certainly would prepare a reply, he would most likely not send it, nor print it, unless Mr Gregg's No 107 should appear in some newspaper. He stated his hope that Mr Gregg had been misled by Dr Reynolds & Mr Judd

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Mr Wyllie submitted the despatch of the Hon Wm L. Marcey No 24 of 29th August 1856 to Mr Gregg.

Resolved that Mr Wyllie discuss the questions with Mr Gregg, ascertain his views, prepare a minute of the same, and submit it for the consideration and judgement of the King & his Cabinet.

The King adjourned the Cabinet till Friday at 10. a.m.

The M. of F. A. submitted the Despatch of the Hon. Wm L. Marcy Sec. of St. of 29th August 1856 to the Legation.

Resolved that the M. of F. A. discuss the questions with the Legation, ascertain his views, prepare a minute of the same, and submit it, for the consideration and judgement of the King & his Cabinet.

The King adjourned the Cabinet till Friday at 10 A.M.